

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
APRIL 24, 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, Aleksandra Annelo, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales.
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AGENDA

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1. Presentation and discussion by the COVID-19 Response and 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 announcing that the public health emergency would be expiring on May 11, 2023 and explained that the City's community risk was considered low. Mr. Gonzalez reminded the public that the City's clinics would remain open for free testing and vaccinations and mentioned that the Bivalent booster was the most up to date vaccine against the virus.

2. City Attorney Overview (Karla Nieman)

a) State Disaster Declaration

b) Emergency Ordinances

c) Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation

d) Additional Updates

Ms. Karla Nieman, City Attorney, continued the presentation by stating that the Governor's disaster declaration was expected to be terminated on May 11 and explained that the emergency ordinances on this agenda would also expire on the same date. She explained that bills presented during the current state's legislative session could impact the pending litigation related to the City's mask mandate and concluded by providing an update on trial settings related to COVID-19 cases currently filed in the Municipal Courts.

3. Team Lead Report:

a) Health Focus (Hector Ocaranza, M.D.)

i.-COVID-19 update

Dr. Hector Ocaranza, Public Health Authority, recommended vaccines and boosters for protection against serious illness, long COVID, and hospitalizations and warned the public that COVID related cases would spike again during the next flu season. He added that the Bivalent booster was the best defense against the virus and said a new formula would likely be available in the fall to address the strain most prevalent at that time.

Mr. Jorge Rodriguez, Assistant Fire Chief, commented.

Representative Molinar commented.

4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, closed the presentation.

NO ACTION was taken on this item.

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2.

ITEMS 2 THROUGH 5 WERE TAKEN TOGETHER

RESOLUTION

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 13, 2020, the Mayor also signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

WHEREAS, on March 17, 2020, the City Council also adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and

WHEREAS, on March 17, 2020, the City Council, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, the Emergency Ordinance, and Disaster Declaration have both been renewed by City Council each month since adoption; and

WHEREAS, on May 12, 2020, City Council passed a resolution directing the City Manager and City Attorney to report on COVID-19 activities, efforts, and processes to City Council within a reasonable time; and

WHEREAS, on October 24, 2022, City Council amended the resolution to allow the City Manager and City Attorney to provide updates at every other work session; and

WHEREAS, the City Manager and City Attorney have formally provided an update on COVID-19 related information and data accordingly; and

WHEREAS, on April 11, 2023, President Biden signed a bipartisan congressional resolution to end the COVID-19 national emergency; and

WHEREAS, the U.S. Department of Health and Human Services has announced that the Public Health Emergency will expire on May 11, 2023; and

WHEREAS, the percentage of persons in the City of El Paso vaccinated against the COVID-19 virus is high, reducing the risk of transmission; and

WHEREAS, new COVID-19 cases continue to remain low at this time; and

WHEREAS, in light of these circumstances, a monthly written report to City Council will suffice to keep the Council informed with regard to COVID-19 activities, efforts, and processes, without the need to report at a City Council Work Session.

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

1. That the City Manager and City Attorney report any and all COVID-19 information, activities, efforts and processes to City Council in written form on a monthly basis;
2. That the City Manager bring stakeholder activities and updates to City Council in written form on a monthly basis.

Chief Mario D'Agostino, Deputy City Manager of Public Safety, introduced the items.

Ms. Karla Nieman, City Attorney, commented.

Mayor Leaser and Representative Hernandez commented.

3. ORDINANCE NO. 019475

**AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019035
EXTENDING A DISASTER DECLARATION DUE TO A PUBLIC HEALTH EMERGENCY**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 13, 2020, the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

WHEREAS, pursuant to El Paso City Code Section 2.48.020(C), a local state of disaster declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of City Council; 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, on March 17, 2020, the City Council adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent re-enactment taking place on March 27, 2023; and

WHEREAS, despite local COVID-19 cases continuing to decline, the risk of contracting COVID-19 remains and new variants of the virus are expected to arise; and

WHEREAS, as of April 5, 2023, the number of new COVID-19 active cases reported in El Paso is 2656 and the cumulative number is 314,752; 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, Emergency Ordinance No. 019446 which re-enacts Emergency Ordinance No. 019035 is set to expire on April 26, 2023;

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

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

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, is hereby re-enacted and shall continue for thirty (30) days or until the federal Public Health Emergency for COVID-19 expires on May 11, 2023 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.

4.

ORDINANCE NO. 019476

AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019036 INSTITUTING EMERGENCY MEASURES, AS RE-ENACTED, RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO. 019151; AND FURTHER RE-ENACTED AND AMENDED BY EMERGENCY ORDINANCE NOS. 019156, 019169, 019191 AND 019284; PENALTY AS PROVIDED IN SECTION 8

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, the City Council, pursuant to City Charter Section 3.10, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment, re-statement and amendment taking place on March 16, 2021, and with the most recent re-enactment taking place on March 27, 2023; 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 if the emergency still exists; and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, the City Council desires to re-enact Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 16, 2021 through Emergency Ordinance No. 019151, as further re-enacted and amended on March 29, 2021 through Emergency Ordinance No. 019156, as further re-enacted and amended on April 26, 2021 through Emergency Ordinance No. 019169, as further re-enacted and amended on May 24, 2021 through Emergency Ordinance No. 019191, as further re-enacted and amended on January 31, 2022 through Emergency Ordinance No. 019284, which shall remain in effect for thirty days or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and as further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, is hereby re-enacted.
2. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days or until the federal Public health Emergency for COVID-19 expires on May 11, 2023 or until terminated by 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, pursuant to City Charter Section 3.10.

5.

ORDINANCE 019477
AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO.

019241; ALLOWING TEMPORARY USES ON THE PUBLIC RIGHT OF WAY AND PRIVATE PROPERTY BY SUSPENDING VARIOUS CITY ORDINANCES; PENALTY AS PROVIDED IN SECTION 6.

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035, with the most recent re-enactment taking place on March 27, 2023; and

WHEREAS, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on March 16, 2023; and

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

WHEREAS, the El Paso City Council desires to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities; and

WHEREAS, on October 11, 2021, City Council enacted an Emergency Ordinance Instituting Emergency Measures to Allow Temporary Uses on the Public Right of Way and Private Property by Suspending Various City Ordinances ("**Emergency Ordinance No. 019241**"); 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 if the emergency still exists; and

WHEREAS, City Council re-enacted Emergency Ordinance No. 019241, with the most recent re-enaction taking place on March 27, 2023 (Ord. No. 019447) ("**Re-enacting Ordinance**"); and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, City Council desires to re-enact its October 11, 2021, Emergency Ordinance No. 019241, which shall take effect immediately, and remain in effect and continue for thirty (30) days or until the federal Public health Emergency for COVID-19 expires on May

11, 2023 or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. That Emergency Ordinance No. 019241, is re-enacted and shall remain in full force and continue for thirty (30) days or until the federal Public health Emergency for COVID-19 expires on May 11, 2023 or until terminated by the 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.

Motion made by Representative Rivera, seconded by Representative Canales, and unanimously carried to **APPROVE** the Resolution and **ADOPT** the Emergency Ordinances.

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

NAYS: None

Mayor Leeser consented to the adoption of the Emergency Ordinances.

6.

ORDINANCE NO. 019478

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

WHEREAS, on April 1, 2022, the Centers for Disease Control and Prevention ("CDC") announced the repeal of the Public Health Services Act, 42 U.S.C. §265 ("Title 42"), which was expected to allow for the inflow of migrants from the southern border; and

WHEREAS, federal litigation ensued to enjoin the CDC from repealing Title 42 on the intended date of May 23, 2022; and

WHEREAS, on June 30, 2022, a United States Supreme Court ruling allowed the President to end the Migrant Protection Protocols, which would allow for the inflow of migrants from the southern border; and

WHEREAS, Title 42 was struck down by a federal court with the parties agreeing that the injunction would end on December 21, 2022; and

WHEREAS, on December 27, 2022 the United States Supreme Court issued an order allowing the injunction to remain in place until further review of the case could be carried out; and

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

WHEREAS, the Southwest had 128,877 land border encounters in the month of February, 2023; and

WHEREAS, the El Paso sector of CBP had 32,233 land border encounters in the month of February, 2023 and a total of 224,893 encounters for federal fiscal year 2023; and

WHEREAS, in the month of March 2023, approximately 1,700 migrants have been arriving weekly; and

WHEREAS, when the U.S. Customs and Border Protection's ("CBP") Central Processing Center is over capacity and NGO space is unavailable, that is when the potential for street releases arises; and

WHEREAS, CBP has released many migrants onto downtown streets leaving many migrants without shelter; and

WHEREAS, in response to the street releases, the El Paso City-County Office of Emergency Management ("OEM") reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO's largest hospitality site; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity with over 40 staff currently assigned; 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, OEM continues to provide COVID-19 isolation and quarantine hotel support to migrant shelters, expanding operations when outbreaks occur in congregate shelter facilities; and

WHEREAS, OEM has provided isolation and quarantine services to over 2,708 migrants in close coordination with NGOs since April 2020; and

WHEREAS, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of unsponsored single adults from Venezuela, resulting in over 1,000 street releases by CBP; and

WHEREAS, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City's Migrant Welcome Center, was over 1,000 on a daily basis; and

WHEREAS, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance providing services to over 19,300 migrants through October 20, 2022, and

WHEREAS, there were over 40,000 community releases to local NGOs and the City during this period; and

WHEREAS, the City's Welcome Center sponsored 294 charter buses with 13,900 unsponsored migrants aboard to New York City and Chicago as final destinations; and

WHEREAS, Sun Metro buses transported upwards of 4,800 migrants to the El Paso International Airport ("EPIA"), bus stations, the Welcome Center, and shelters; and

WHEREAS, the City provided over 39,000 meals to migrants at the local facilities, and for travel aboard the outbound charter buses; 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, in response to the number of migrants arriving at the border, on January 5, 2023, the Department of Homeland Security created a humanitarian parole program for migrants from Cuba, Haiti, and Nicaragua similar to the program already available to Venezuelans; and

WHEREAS, on January 8, 2023, President Biden visited the border to assess the situation in part because the number of migrants has gained the attention of the media and national leadership; 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 hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, on March 12, 2023, border officials barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the

bridge due to rumors about the relaxation of immigration restrictions circulated on social media sites; 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 during an ongoing global pandemic; and

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

WHEREAS, the Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operation of 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, EPIA in recent past, became saturated with migrants awaiting air travel and could need 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 4 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

WHEREAS, the potential encampment of large groups of migrants on City rights of way, parks and other City property poses safety risks to migrants and citizens alike; and

WHEREAS, in awaiting the due support of the federal government, 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 order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, OEM and the City will continue to prepare and evaluate the need for mass emergency sheltering in anticipation of the eventual repeal of Title 42 and other regional migration surges that may impact the El Paso region; 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.

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.

Assistant Fire Chief Jorge Rodriguez and Ms. Karla Nieman, City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser commented.

Motion made by Representative Canales, seconded by Representative Molinar 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 Ordinance.

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

1. Vision Block: Exceptional Recreational, Cultural, and Educational Opportunities:

Goal 4 (Quality of Life)

Deputy City Manager, Dionne Mack

Zoo Director, Joseph Montisano

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

- Ms. Dionne Mack, Deputy City Manager Museum and Cultural Affairs
- Mr. Joe Montisano, Zoo Director

Ms. Julie Baldwin, Chief Transformation Officer, commented.

Representatives Annello, Molinar, Rivera and Canales commented.

NO ACTION was taken on this item.

8. **Presentation, discussion, and action on the 88th Regular Session of the Texas State Legislature.**

Ms. Lindsey Adams, Legislative Liaison Economic Development, presented the PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annelo, Molinar, Fierro, Rivera and Canales commented.

The following City Staff members commented:

- Mr. Kevin Smith, Assistant Director of Planning and Inspections
- Mr. Tony De La Cruz, Building Permits & Inspections Assistant Director

Ms. Lupe Cuellar, Legislative Attorney, commented.

Ms. Lisa Turner, citizen, commented.

Motion made by Mayor pro Tempore Annelo, seconded by Representative Fierro, and carried to **SUPPORT** the County of El Paso's position on SB1130 (relating to the formation of a municipal housing authority asset commission by certain municipal housing authorities) and HB2127 (an act relating to state preemption of and the effect of certain state or federal law on certain municipal and county regulation).

AYES: Representatives Kennedy, Annelo, Molinar, Fierro and Canales

NAYS: Representatives Hernandez and Rivera

NOT PRESENT FOR THE VOTE: Representative Salcido

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EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:14 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 executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Mayor Leeser joined the Executive Session virtually at 12:00 p.m.

Motion made by Representative Molinar, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** the Executive Session at 1:49 p.m. and **RECONVENE** the meeting of the City Council. at which time motions were made.

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

NAYS: None

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EX1 Consultation with attorney regarding a petition for charter amendments. Matter No. 22-1065-153, HQ-2023-340 (551.071)

NO ACTION was taken on this item.

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EX2 Cangialosi, Joanna, et al v. City of El Paso. Matter No 18-1026-9235 (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to hire and retain outside counsel and any other necessary consultants, and to file an appeal in the lawsuit styled *Joanna Cangialosi, et al. v. City of El Paso, Texas, et al*; before the 171st District Court under Cause No. 2018DCV0797; Matter No. 18-1026-9235, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Kennedy

Representative Kennedy recused himself during Executive Session.

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EX3 Ysleta Del Sur Pueblo, a federally recognized Indian Tribe vs. City of El Paso, USDC; Cause No. 3:23-cv-001323 (551.071).

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar and unanimously carried that the City Attorney's Office be **AUTHORIZED** to hire and retain outside counsel in the matter of Ysleta Del Sur Pueblo v. City of El Paso, cause number 3:23-cv-00132, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

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EX4 Application of El Paso Electric Company for a 10MW Community Solar Expansion and Authority to Modify Schedule No. CS Community Solar Rate, Public Utility Commission of Texas Docket No. 54403. Matter No. 22-1008-205 (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to negotiate, settle, and execute a settlement agreement in the *Application of El Paso Electric Company for a 10MW Community Solar Expansion and Authority to Modify Schedule No. CS Community Solar Rate*, filed on December 1, 2022, under the Texas Public Utility Commission, Docket No. 54403, in Matter Number 22-1008-205, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority

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

NAYS: None

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EX5 Application of El Paso Electric Company to Update Schedule No. COVID-19 in compliance with Docket No. 52195. HQ UTILITY-5 (551.071)

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Molinar and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to hire and retain outside counsel and any other necessary consultants, and to file an intervention in the *Application of El Paso Electric Company to Update Schedule No. COVID-19 in Compliance with Docket No. 52195*, filed on March 31, 2023, under the Texas Public Utility Commission, Docket No. 54812, in Matter Number UTILITY-5, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

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EX6 Economic Development Incentives for a Convention Center Hotel located in the City of El Paso
Matter No. 22-1007-2853 (551.071) (551.087)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Molinar and unanimously carried to **ADJOURN** the meeting at 1:54 p.m.

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

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APPROVED AS TO CONTENT:



Laura D. Prine, City Clerk