

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 ORDAZ PEREZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

**CITY COUNCIL WORK SESSION MINUTES
CITY HALL, 300 N. CAMPBELL
COUNCIL CHAMBERS
October 28, 2019
9:05 AM**

The City Council met at the above place and date. Meeting was called to order at 9:36 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alessandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Ordaz Perez, Henry Rivera and Cissy Lizarraga.

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AGENDA
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1. **Presentation on the Water Parks construction and operations and discussion and action on a Resolution authorizing changes on Schedule C for the new Water Parks, to include entry fees and rentals.**

Mr. Sam Rodriguez, City Engineer, presented a Power Point presentation (copy on file in the City Clerk's Office) and responded to inquiries from Council members related to admission prices, food and beverage concessions, gift shop options, cabana rentals, marketing, and online bookings.

Mayor Margo and Representatives Svarzbein, and Rivera, commented and posed questions regarding the presentation.

Mr. Tommy Gonzalez, City Manager, encouraged Council members to disseminate water park information through their newsletters.

RESOLUTION

WHEREAS, on August 13, 2019 the El Paso City Council adopted a Budget Resolution for Fiscal Year 2020 (the "Budget Resolution") and;

WHEREAS, paragraph 47 of the FY2020 Budget Resolution provides that any revisions or additions to the fees listed in Schedule C attached to the Budget Resolution may be approved by simple resolution of the City Council, and

WHEREAS, the City desires to amend the FY2020 Budget Resolution to revise and add fee categories related to the water parks.

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

That Schedule C, attached to the FY2020 Budget Resolution, shall be amended to show in Exhibit "A" attached to this resolution effective on October 29, 2019 to revise and add fees related to the City water parks.

Except as herein modified, the Budget Resolution and Schedule C of the Budget Resolution and all Budget Resolution Schedules remain in full force and effect.

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

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

NAYS: None

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ITEMS 2 AND 3 WERE TAKEN TOGETHER

2.

R E S O L U T I O N

WHEREAS, the City of El Paso ("City") entered into a Chapter 380 Economic Development Program Agreement ("Agreement") on October 25, 2018 with GWR El Paso Property Owner, LLC ("GWR"), in support of the development, construction, and operation of a new Convention Center and Convention Center Hotel to be located at 7850 Paseo Del Norte Boulevard in El Paso, Texas; and

WHEREAS, the State of Texas, 86th Legislature, through House Bill 4347 amended portions of the Texas Tax Code relating to the authority of certain municipalities to use certain tax revenue for hotel and convention center projects and other qualified projects, and

WHEREAS, the amendments made by House Bill 4347 will affect certain provisions of the Agreement existing between the City and GWR;

WHEREAS, the City desires to terminate the Agreement due to the amendments made by House Bill 4347.

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

That the City Manager is authorized to terminate the Chapter 380 Economic Development Agreement dated October 25, 2018 between the City of El Paso and GWR El Paso Property Owner LLC.

R E S O L U T I O N

3.

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

That the City Manager be authorized to sign an Economic Development Incentive Agreement in a form substantially similar to the attached documents by and between CITY OF EL PASO, a Texas home rule municipal corporation, and GWR EL PASO PROPERTY OWNER LLC, a Delaware limited liability company, (together with its successors and

assigns) in support of the development, construction, and operation of a new Convention Center and Convention Center Hotel to be located at 7850 Paseo Del Norte Boulevard, El Paso, Texas 79912, El Paso County.

Ms. Jessica Herrera, Director of Economic and International Development, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and responded to inquiries from Council members related to convention space, a franchise fee, appraisal value, and project amenities.

The following City staff members commented and responded to questions from Council:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Karla Nieman, City Attorney
3. Mr. Bryan Crowe, Destination El Paso Managing Director
4. Mr. Cary Westin, Senior Deputy City Manager of Economic Development and Tourism
5. Ms. Roberta Brito, Assistant City Attorney
6. Mr. Eddie Garcia, Economic Development Assistant Director

Mayor Margo and Representatives Svarzbein, Annello, and Hernandez commented and posed questions regarding the presentation.

Motion made by Mayor Pro Tem Ordaz Perez, seconded by Representative Rivera and carried to **APPROVE** the Resolutions.

AYES: Representatives Svarzbein, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: Representative Annello

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EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:03 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:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 12:59 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

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

NAYS: None

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EX1. Economic Incentives for a Nonprofit Business Incubator located in the City of El Paso (19-1007-2514) (551.071) (551.087)

NO ACTION was taken on this item.

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EX2. Economic Incentives for a Redevelopment Project to be located in the City of El Paso (19-1007-2480) (551.071) (551.087)

NO ACTION was taken on this item.

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EX3. Steven Hernandez v. City of El Paso; County Court at Law No. 6; Case #2016DCV4711; Matter No. 17-1006-779 (551.071)

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera and unanimously carried that outside counsel for the City of El Paso, in consultation with the City Attorney, be **AUTHORIZED** settlement authority to resolve the case entitled Steven Hernandez v. City of El Paso, Texas pending in County Court at Law No. 6, under Cause No. 2016DCV4711. The City Attorney, through outside counsel for the City of El Paso, is authorized to negotiate a settlement agreement and sign all documents to effectuate this authority under Matter No. 17-1006-779, as recommended by the City Attorney.

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

NAYS: None

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EX4. In Re: Max Grossman, Relator; Supreme Court of Texas; Case #19-0522; Matter No. 19-1001-233 (551.071)

NO ACTION was taken on this item.

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EX5. Max Grossman v. Mark Wolfe, Executive Director, Texas Historical Commission; Supreme Court of Texas; Case #19-0521; Matter No. 19-1001-237 (551.071)

NO ACTION was taken on this item.

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EX6. Ex Parte City of El Paso; Supreme Court of Texas; Case #19-0022; Matter No. 17-1001-171.002 (551.071)

NO ACTION was taken on this item.

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EX7. Max Grossman v. City of El Paso; 384th District Court; #2017DCV2528; Matter No. 17-1001-171.001 (551.071)

NO ACTION was taken on this item.

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EX8. Legal consultation regarding City Council direction from July 23, 2019 to explore a conservation easement regarding the approximately 1,000 acres of land owned by the City of El Paso in northwest El Paso. Matter No. 18-1065-099 (551.071)

NO ACTION was taken on this item.

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EX9. Public Utility Commission Docket No. 50058, Application of El Paso Electric Company to Reconcile Fuel Costs, Matter No. 19-1008-133. (551.071)

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera and unanimously carried to **AUTHORIZE** the City Attorney to file a Motion in Intervention, and if necessary, request a hearing in Public Utility Commission of Texas Docket No. 50058, Application of El Paso Electric Company to Reconcile Fuel Costs.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel and any necessary consultants in connection with this matter.

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

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EX10. Public Utility Commission of Texas Docket No. 49849, Joint Report and Application of El Paso Electric Company, Sun Jupiter Holdings LLC, and IIF US Holding 2 LP for Regulatory Approvals under PURA §§ 14.101, 39.262, and 39.915; Matter No. 19-1008-126 (551.071) (551.087)

NO ACTION was taken on this item.

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EX11. El Paso Electric Company Franchise; Matter No. 19-1008-132 & 19-1008-126.001 (551.071) (551.087)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Annello and unanimously carried to **ADJOURN** the meeting at 1:01 p.m.

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

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk