

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA L. RODRIGUEZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

CITY COUNCIL WORK SESSION MINUTES
October 25, 2021
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:05 AM

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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 9:58 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Aleksandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, and Henry Rivera. Cissy Lizarraga attended via videoconference.
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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, introduced the presentation by stating that the transmission rate of COVID-19 infections was currently high as the rate for new cases per 100,000 individuals was at 10.3%. He added that 30% of COVID-19 hospitalizations were breakthrough cases and followed up with statistical information related to vaccination rates. Mr. Gonzalez said 77% of individuals were now fully vaccinated; with 90% receiving a first dose. He explained that vaccinations for children between the ages of 5 and 11 were close to receiving approval adding that the City was providing Moderna and Johnson & Johnson booster shots in addition to the Pfizer booster. Mr. Gonzalez ended the overview by providing the hours of operation for the City's vaccination sites and encouraged the use of facemasks regardless of vaccination status.

2. City Attorney Overview (Karla Nieman)

a) Greg Abbott, in his official capacity as Governor of Texas, v. City of El Paso

Ms. Karla Nieman, City Attorney, provided an update on litigation related to the City's Mask Mandate, pending with the 8th Court of Appeals, and said a decision was expected in a couple of weeks with the likelihood that the case would return to County Court No. 7 for trial. She stated that the Mask Mandate was still on pause, explaining that this litigation was being handled in house with an estimated 395 hours spent on the case to date.

3. Team Lead Report:

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

b) Data Analysis

Dr. Hector Ocaranza, Public Health Authority, continued the presentation by explaining that the number of new COVID-19 cases and hospitalizations continued on an upward trend. He added that new cases were prominent among unvaccinated individuals proving that vaccinations were effective in fighting the virus. Dr. Ocaranza stated that the Center for Disease and Control Prevention (CDC) was currently reviewing trials on children age 5 to 11 and recommended vaccinations for those eligible along with the use of non-pharmacological interventions such as face masks, hand washing, and testing. He also elaborated on the differences between doses and frequency among vaccine brands along while explaining the variance between a booster dose and a third dose.

Mr. David Coronado, Managing Director for International Bridges, began his update by stating that the Department of Homeland Security (DHS) announced that the port of entries would soon reopen. He explained that stakeholders in the Bridges Steering Committee were preparing to restart the P3 program with U.S. Customs and Border Protection to provide additional funding for overtime and traffic control in anticipation of increased travel. Mr. Coronado also provided statistical information related to trade, sales tax allocations, and hotel occupancy, which are performing above pre-pandemic levels.

The following City staff members responded to questions posed by Members of the City Council:

- Ms. Angela Mora, Public Health Director
- Ms. Ellen Smyth, Managing Director of Public Transportation

4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, wrapped up the presentation by saying the City would be setting up vaccination sites at bus depots and ports of entry and continue to seek opportunities for additional sites. He urged the community to obtain flu vaccines ahead of the flu season and explained that once approved the roll out of vaccinations for children age 5 to 11 would be similar to methods used for current eligible individuals in order to obtain the same positive results.

Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, and Lizarraga commented.

NO ACTION was taken on this item.

The meeting was **RECESSED** at 11:26 a.m. and **RECONVENED** at 12:04 p.m.

2. Discussion with Veterans Affairs Advisory Committee as they present their 5-year Strategic Plan.

Mr. Paul Albright, Military Program Administrator, introduced the item.

The following members of the Veterans Affairs Advisory Committee presented a PowerPoint presentation (copy on file in the City Clerk's Office):

1. Mr. Lance Lehr, Chair
2. Mr. Bruce Biegel, Vice Chair
3. Ms. Tephania Hopper, Marketing Subcommittee Chair
4. Ms. Hope Jackson, Homelessness Subcommittee Chair

Representatives Svarzbein, Annello and Molinar commented.

The following members of City staff commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Karla Nieman, City Attorney
3. Ms. Nicole Ferrini, Chief Resilience Officer

NO ACTION was taken on this item.

3. Presentation and discussion about Municipal Energy operations and plan and its alignment with the City's and Regional Renewable Energy Advisory Council's (RREAC) Strategic Plans.

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

1. Ms. Nicole Ferrini, Chief Resilience Officer
2. Mr. Sam Rodriguez, Chief Operations and Transportation Officer
3. Mr. Rene Barraza, Business and Financial Officer, Streets and Maintenance Department
4. Mr. Fernando Berjano, Sustainability Coordinator, Community and Human Development Department

Mayor Leeser and Representatives Svarzbein, Hernandez

Mr. Tommy Gonzalez, City Manager, commented.

Ms. Cynthia Pina, Regional Vice President, El Paso Electric, commented.

NO ACTION was taken on this item.

4. RESOLUTION

WHEREAS, in 2010 and 2015, the City of El Paso passed a resolution authorizing the Mayor to submit the paperwork necessary for the City of El Paso to join the Cities of Service Coalition, including a Declaration of Service; and

WHEREAS, in 2021, the City of El Paso was awarded grant funds for the Love Your Block program by Cities of Service; and

WHEREAS, the Cities of Service Coalition requires the City of El Paso to be an active coalition member of the Cities of Service; and

WHEREAS, the Cities of Coalition has requested the Mayor to re-submit the paperwork for

the City of El Paso to join the Cities of Service Coalition and a Declaration of Service; and

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

That the Mayor be authorized to submit the paperwork necessary for the City of El Paso to join the Cities of Service Coalition, including the attached Declaration of Service.

Ms. Nickole Rodriguez, Community Development Program Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Nicole Ferrini, Community and Human Deveopment Director, commented.

Representatives Svarzbein and Molinar commented

Motion made by Representative Molinar, seconded by Representative Svarzbein, and unanimously carried to **APPROVE** the Resolution.

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

NAYS: None

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EXECUTIVE SESSION

Motion made by Representative Molinar, seconded by Representative Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:17 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, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

Motion made by Representative Rivera, seconded by Representative Rodriguez, and unanimously carried to **ADJOURN** the Executive Session at 4:21 and **RECONVENE** the meeting of the City Council.

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

NAYS: None

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EX1. Claim of Joe Olivas. Matter No. 21-1006-1411 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office be authorized to **DENY** the claim of Joe Olivas in Matter No. 21-1006-1411, in its entirety.

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

NAYS: None

EX2. Denton, Ryan vs. City of El Paso. Matter No. 20-1051-1091 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to enter into settlement negotiations and settle the case entitled, *Denton, Ryan v. City of El Paso*; Cause No. 3:20-CV-85. In addition to negotiating a settlement agreement, the City Attorney is authorized to sign all necessary documents to effectuate this authority under Matter Number 20-1051-1091.

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

EX3. Adrian Medina and Ana McElhinny v. City of El Paso. Matter No. 16-1026-7712 (551.071)

NO ACTION was taken on this item.

EX4. Steve T. Hernandez v. City of El Paso. Matter No. 17-1006-779 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney be **AUTHORIZED**, in consultation with the City Manager, to engage in settlement negotiations and settle through mediation the case entitled, *Steve Hernandez v. City of El Paso, Texas*; Cause No. 2016DCV4711. In addition to negotiating a settlement agreement, the City Attorney is authorized to sign all necessary documents to effectuate this authority under Matter No. 17-1006-779.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

EX5. Proposed Settlement and Update- Application of El Paso Electric Company for approval to revise its Energy Efficiency Cost Recovery Factor (EECRF) and to request to establish cost caps, Public Utility Commission of Texas Docket No. 52081. Matter No. 21-1008-172 (551.071)

NO ACTION was taken on this item.

EX6. Application of El Paso Electric Company for approval to revise its Fixed Fuel Factor, Public Utility Commission of Texas Docket No. 52723, Matter No. 21-1008-182 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried that the City Attorney is **AUTHORIZED** to retain outside counsel and any other necessary consultants, in consultation with the City Manager, to file an intervention and take any other necessary legal action in the Petition of El Paso Electric Company to Revise its Fixed Fuel Factor on October 15, 2021, under Texas Public Utility Commission Docket No. 52723.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rodriguez,
Rivera, and Lizarraga
NAYS: None

EX7. Update of Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195. Matter No. 21-1008-174 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney, in consultation with the City Manager, is **AUTHORIZED** to engage in settlement negotiation on the Application to Amend Rates filed by El Paso Electric, on June 1, 2021, under Texas Public Utility Commission Docket No. 52195.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rodriguez,
Rivera, and Lizarraga
NAYS: None

EX8. Update and action on Request by Texas Gas Service Company, a division of ONE Gas, Inc., for Recovery of Extraordinary Costs Incurred during the 2021 Winter Storm Uri and Mitigate Future Costs, Texas Railroad Commission Docket No. 00007069, Matter No. 20-1008-147 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried that the City Attorney is **AUTHORIZED** to settle, in consultation with the City Manager, the Application for Customer Rate Relief Related to Winter Storm Uri and Regulatory Asset Determination filed by Texas Gas Service Co., a Division of One Gas, Inc., under Texas Railroad Commission Docket No. 00007069. In addition to negotiating a settlement agreement, the City Attorney is authorized to sign all necessary documents to effectuate this authority under Matter No. 21-1008-175. In the event that a settlement is not reached, the City Attorney is authorized to file an appeal, as appropriate, in this matter.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rodriguez,
Rivera, and Lizarraga
NAYS: None

ADJOURN

Motion made by Representative Annelo, seconded by Representative Svarzbein and unanimously carried to **ADJOURN** the meeting at 4:28 p.m.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rodriguez, Rivera,
and Lizarraga
NAYS: None

APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk