

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
JANUARY 17, 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. The meeting was called to order at 9:16 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Annelo, Cassandra Hernandez, Joe Molinar, Art Fierro, Henry Rivera, and Chris Canales. Isabel Salcido requested to be excused.
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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 with statistics regarding patient bed occupancy and vaccination rates related to the pandemic and said El Paso was currently at a high-risk level. He reminded the public that COVID -19 vaccinations and boosters were free of charge at the City's clinics.

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 there was nothing new to report related to the mask mandate litigation case and said she would check with the State to see if the Governor would be extending the disaster declaration.

3. Team Lead Report:

- a) Health Focus (Hector Ocaranza, M.D.)
 - i. COVID-19 Update
 - ii. Influenza Update
 - iii. RSV Update

Dr. Hector Ocaranza, Public Health Authority, provided information related to vaccinations and explained that the Bivalent booster was not a replacement for the initial vaccination

series. He reminded the community to evaluate their risk to exposure and said that large gatherings should be avoided.

4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez closed the presentation by encouraging the Bivalent booster and the use of masks in large crowds during this flu season.

Mayor Leeser, and Representatives Annello and Molinar commented.

NO ACTION was taken on this item.

2. Presentation, discussion and action by the City Manager’s Office and Office of Emergency Management providing information on key activities, efforts, and processes related to the migrant crisis.

Mr. Tommy Gonzalez, City Manager, introduced the item.

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

- Mr. Jorge Rodriguez, Fire Assistant Chief
- Ms. Josette Flores, Senior Assistant City Attorney
- Ms. Nicole Cote, Managing Director Office of Management and Budget

Ms. Karla Nieman, City Attorney, commented.

Mayor Leeser and Representatives Molinar, Rivera and Canales commented.

NO ACTION was taken on this item.

3. Discussion and action on an Emergency Ordinance extending a Disaster Declaration due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso.

The following staff members addressed council and responded to questions:

- Assistant Fire Chief Jorge Rodriguez
- City Manager Tommy Gonzalez

Mayor Leeser and Representative Annello commented.

NO ACTION was taken on this item.

4. Presentation of, and discussion and action on, the Charter amendments directed by Council.

The following staff members presented a PowerPoint presentation (copy on file in the City Clerk’s Office) and responded to questions:

- Laura Cruz Acosta, Strategic Communications Director
- Kristen Hamilton-Karam, Assistant Senior City Attorney

The following staff members responded to questions from the council:

- Mr. Tommy Gonzalez, City Manager
- Ms. Karla Nieman, City Attorney
- Ms. Laura Prine, City Clerk

Mayor Leeser and Representatives Kennedy, Anello, Hernandez, Molinar, and Fierro commented.

Motion made by Mayor Pro Tempore Anello, seconded by Representative Molinar and unanimously carried to **DIRECT** staff to add amendments and brief Council members on amendments by January 23, 2023.

AYES: Representatives Kennedy, Anello, Hernandez, Molinar, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Salcido

5. Discussion and action on a presentation that includes the following:

- **City Initiatives on Sustainability and Climate Matters**
- **Climate Action Plan - framework for Proposition C of the 2022 Community Progress Bond**

Mr. Sam Rodriguez, Chief Operations Office, gave a PowerPoint presentation (copy on file in the City Clerk's Office) and answered questions.

Representatives Anello, Hernandez, Molinar, and Canales commented.

NO ACTION was taken on this item.

6. Discussion and action on a Resolution for City Council to approve the Community Progress Bond 3-Year Rollout that includes project identified in Exhibit "A" which includes the Top 50 arterials and discussion of the Residential Street to undergo resurfacing.

Ms. Yvette Hernandez, City Engineer, presented a PowerPoint presentation (copy on file with the City Clerk's Office) and answered questions.

Representatives Kennedy, Anello, Hernandez, Molinar, Fierro, Rivera, and Canales commented.

The following City staff commented:

- Mr. Harold Kutz, Streets and Maintenance Assistant Director
- Mr. Sam Rodriguez, Chief Operations Officer
- Mr. Tommy Gonzalez, City Manager

Motion made by Representative Canales, seconded by Representative Annelo, and unanimously carried to **POSTPONE** the item until the January 30, 2023 Work Session.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

ABSENT: Representative Salcido

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EXECUTIVE SESSION

Motion made by Representative Annelo, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:15 p.m. on **January 17, 2023** 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

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

ABSENT: Representative Salcido

Motion made by Representative Hernandez, seconded by Representative Annelo, and unanimously carried to **ADJOURN** the Executive Session at 2:09 p.m. on **January 17, 2023** and **RECONVENE** the meeting of the City Council, at which time the following motions were made:

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

NOT PRESENT FOR THE VOTE: Representative Fierro

ABSENT: Representative Salcido

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The meeting was **RECESSED** at 2:14 p.m. on January 17, 2023 due to the sudden death of the Police Chief and **RECONVENED** at 2:03 P.M. on January 18, 2023.

Representative Canales requested to be excused.

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EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:04 p.m. on **January 18, 2023** 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

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

ABSENT: Representative Canales

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 2:57 p.m. on **January 18, 2023** and **RECONVENE** the meeting of the City Council, at which time the following motions were made:

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

ABSENT: Representative Canales

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

Representative Anello commented.

Ms. Karla Nieman, City Attorney, commented.

Motion made by Mayor Pro Tempore Anello, seconded by Representative Rivera, and unanimously carried by the El Paso City Council that City Manager and City Attorney **RETAIN** necessary experts and resources to carry out all legal and administrative requirements related to the election required by the Climate Charter Amendment Petition.

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

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EX2. Albert Lopez and Lexby Lopez v. City of El Paso. Matter No. 17-1036-1318 (551.071)

NO ACTION was taken on this item.

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EX3. Texas Gas Service Company, A Division of ONE Gas Inc., Application to Increase Gas Utility Rates. Matter No. 22-1008-1098 (551.071)

Action taken on January 18, 2023

Motion made by Mayor Pro Tempore Anello, seconded by Representative Rivera, and unanimously carried that the City Attorney, in consultation with the City Manager, be **AUTHORIZED**, as determined by the City Attorney, to file a Motion for Rehearing and, if necessary, an appeal of the Railroad Commission's decision, in the Texas Gas Service Company, A Division of ONE Gas Inc., Application to Increase Gas Utility Rates, filed on June 30, 2022, under the Railroad Commission of Texas. Docket No. 9893, to hire and retain outside counsel and any other necessary consultants, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

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EX4. Application of El Paso Electric Company to Change Rates for Rate Schedule No. 11, Time-of-Day Municipal Pumping Service, to Correct an Error, Public Utility Commission of Texas Docket No. 54476. Matter No. 22-1008-203 (551.071)

NO ACTION was taken on this item.

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EX5. Application of El Paso Electric Company for Approval of Limited Code of Conduct Waivers and Associated Amendments to its Code of Conduct and Compliance Plan, Public Utility Commission of Texas Docket No. 54383. Matter No. 22-1008-204 (551.071)

Motion made by Mayor Pro Tempore Anello, seconded by Representative Hernandez 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 for Approval of Limited Code of Conduct Waivers and Associated Amendments to its Code of Conducts and Compliance Plan, filed on November 28, 2022, under the Texas Public Utility Commission, Docket No. 54383, in Matter Number 22-1008-204, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Anello, Hernandez, Molinar, Fierro, Rivera, and Canales

ABSENT: Representative Salcido

EX6. El Paso Electric Texas 2023 Generation Cost Recovery Rider (GCRR) Application Requesting cost Recovery for Newman Unit 6. Matter No. 23-1008-207 (551.071)

Motion made by Mayor Pro Tempore Anello, seconded by Representative Canales, 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 El Paso Electric Generation Cost Recovery Tariff (GCRF) Newman 6 Power Station, to be filed in 2023, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Anello, Hernandez, Molinar, Fierro, Rivera, and Canales

ABSENT: Representative Salcido

EX7. 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)

NO ACTION was taken on this item.

ADJOURN

Motion made by Representative Rivera seconded by Representative Anello and unanimously carried to **ADJOURN** the meeting on **January 18, 2023** at 2:58 p.m.

AYES: Representatives Kennedy, Anello, Hernandez, Molinar, Salcido, Fierro, and Rivera

ABSENT: Representative Canales

APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk