

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

August 16, 2021

9:05 AM

**Due to the temporary suspension of specified provisions of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference formats.**

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The City Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 9:26 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga.

### 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 item and explained that there was an upward trend in the number of new COVID-19 cases reported however, the rate was below the rolling averages across the State and the Nation. He added that hospitalization rates were also on the rise mostly affecting unvaccinated individuals and said the City's vaccination rate was double the State's rate among the 12-15 age category as 82% of children received a first dose and 57% were fully vaccinated. Mr. Gonzalez spoke about the ongoing collaboration with area school districts to set up vaccination sites at various schools. He encouraged vaccinations and the use of mask along with providing the operation hours of the City's testing sites.

Mr. Robert Cortinas, Chief Financial Officer, stated that an estimated \$2 million was being spent monthly with \$15 million in related expenditures from January to date.

Fire Chief Mario D'Agostino commented.

**2. City Attorney Overview (Karla Nieman)**

**a) State Disaster Declarations**

**b) Emergency Ordinances**

**c) Status of Various Mask Mandates and Pending Litigation against Governor Abbott's COVID-19 Executive Orders**

**d) Additional Updates**

Ms. Karla Nieman, City Attorney, provided an overview indicating that the Governor's Disaster Declaration was expected to be extended at the end of the month and provided a status on the litigation regarding mask mandates between school districts across the State. She ended by providing statistical information on COVID-19 related offenses filed in the Municipal Courts.

**3. Team Lead Report**

- a) Health Focus (Hector Ocaranza, M.D.)**
- b) Economic Recovery**
  - a. Small Business Focus (Mirella Craigo)**

Dr. Hector Ocaranza, Public Health Authority, provided an update on the current pandemic situation by stating that the 7-day rolling average of new cases had tripled from the 2<sup>nd</sup> week in July mostly affecting unvaccinated individuals. He encouraged the public to seek vaccinations and said a high demand for a third dose was expected from immunocompromised people. Dr. Ocaranza ended by encouraging the public to continue wearing face masks despite vaccination status.

Ms. Mirella Craigo, Assistant Director of Economic Development, provided an overview on small business recovery and went over the various efforts to assist such as the distribution of personal protective equipment, job fairs, and marketing plans to promote "Buy El Paso".

**4. City Manager Wrap Up**

Mr. Tommy Gonzalez, City Manager, wrapped up the presentation by stating that the City was taking proactive measures to mitigate the increase in the number of new COVID-19 cases and also focusing on assisting small businesses as it relates to economic recovery

The following members of the public commented on the need for a mask mandate with the return to in person classes in schools:

1. Ms. Betty Camargo
2. Mr. Fernando Garcia
3. Ms. Veronica Frescas
4. Mr. Marco Silva
5. Ms. Irma Cruz
6. Ms. Dulce Carlos
7. Ms. Susana Herrera

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:20 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 discuss the item:

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

NAYS: None

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez,

and unanimously carried to **ADJOURN** the Executive Session at 1:04 p.m. and **RECONVENE** the meeting of the City Council.

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

NAYS: None

Mayor Leeser and Representatives Svarzbein, Annello, Hernandez, Molinar, and Rodriguez commented.

**NO FURTHER ACTION** was taken on this item.

2.

**ORDINANCE 019215**

**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 July 19, 2021; and

**WHEREAS**, on July 31, 2021, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

**WHEREAS**, as of August 6, 2021, the number of COVID-19 active cases in El Paso is over 1,289; 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. 019205 which re-enacts Emergency Ordinance No. 019035 is set to expire on August 18, 2021; and

**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 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.

Motion made by Representative Molinar, seconded by Representative Lizarraga, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

**Mayor Leeser consented to the adoption of the Emergency Ordinance.**

3.

**ORDINANCE 019216**

**AN EMERGENCY ORDINANCE  
RE-ENACTING 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 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 July 19, 2021; 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, 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, and 019191, 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, penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 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.

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

**Mayor Leeser consented to the adoption of the Emergency Ordinance.**

4.

**ORDINANCE 019217**

**AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019091, AS AMENDED BY EMERGENCY  
ORDINANCE NO. 019119; 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 monthly basis, with the most recent re-enactment taking place on January 5, 2021; and

**WHEREAS**, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on January 5, 2021; 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 August 31, 2020, 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. 019091**") ; and

**WHEREAS**, City Council has re-enacted Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091, each month, with the most recent re-enaction taking place on July 19, 2021 (Ord. No. 019207) ("Re-enacting Ordinance"); 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 its August 31, 2020, Emergency Ordinance No. 019091, as amended by Emergency Ordinance No. 019119, which shall take effect immediately, and remain in effect until September 15, 2021, 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. 019091, is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 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 Molinar, seconded by Representative Salcido, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

**Mayor Leeser consented to the adoption of the Emergency Ordinance.**

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**5. For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on July 26, 2021.**

**1. Discussion and Action on Audit Plan Updates.**

- **Motion made by Representative Salcido, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Lizarraga and Representative Salcido to accept the 3rd Quarter Update.**

**2. Discussion on Client Surveys.**

Mr. Edmundo Calderon, Chief Internal Auditor, provided an overview of on the items discussed during the July 26, 2021 meeting.

Mayor Leeser commented.

**NO ACTION** was taken on this item.

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**6. Discussion, update, and action on the 87th Texas Legislative Special Sessions for the 87th Legislature.**

Ms. Lupe Cuellar and Mr. Snapper Carr, Legislative Attorneys, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and responded to questions from Council.

Ms. Karla Nieman, City Attorney, commented.

Representatives Svarzbein, Annelo, Molinar, Rivera, and Lizarraga commented.

**1<sup>ST</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Svarzbein, and unanimously carried to **SUPPORT** legislation similar to House Bill 3507 from the 87<sup>th</sup> Legislature, Regular Session, relating to a "thirteenth check" or one-time supplemental payment of benefits under the Teacher Retirement System of Texas.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rodriguez, and Rivera

NAYS: None

ABSTAIN: Representative Lizarraga

**2<sup>ND</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Svarzbein, and carried to **OPPOSE** legislation shielding private employers and employees from political subdivision rules, regulations, ordinances, and other actions that require any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, or scheduling practices.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Rivera, and Lizarraga  
NAYS: Representative Rodriguez  
NOT PRESENT FOR THE VOTE: Representative Salcido

**3<sup>RD</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Svarzbein, and carried to **OPPOSE** legislation similar to Senate Bill 394 from the 87<sup>th</sup> Legislature, Regular Session, which prohibits people from providing abortion-inducing drugs by mail or delivery service, strengthens the laws applicable to the reporting of abortions and abortion complications, and ensures that no abortion-inducing drugs are provided unless there is voluntary and informed consent.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, and Rivera  
NAYS: Representatives Rodriguez and Lizarraga  
NOT PRESENT FOR THE VOTE: Representative Salcido

**4<sup>TH</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Svarzbein, and carried to **OPPOSE** legislation reforming the bail system in Texas to protect the public from accused criminals who may be released on bail.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Rivera, and Lizarraga  
NAYS: Representative Rodriguez  
NOT PRESENT FOR THE VOTE: Representative Salcido

**5<sup>TH</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Svarzbein, and carried to **OPPOSE** legislation similar to House Bill 3979 concerning critical race theory as originally passed by the Texas Senate in the 87<sup>th</sup> Legislature, Regular Session.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, and Rivera  
NAYS: Representative Rodriguez and Lizarraga  
NOT PRESENT FOR THE VOTE: Representative Salcido

**6<sup>TH</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Svarzbein, and carried to **OPPOSE** legislation relating to legislative quorum requirements.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Rivera, and Lizarraga  
NAYS: Representative Rodriguez  
NOT PRESENT FOR THE VOTE: Representative Salcido

**7<sup>TH</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Svarzbein, and carried to **OPPOSE** legislation identical to Senate Bill 29 as passed by the Texas Senate in the 87<sup>th</sup>



Legislature, Regular Session, disallowing a student from competing in University Interscholastic League athletic competitions designated for the sex opposite to the student's sex at birth.

AYES: Representatives Svarzbein, Annelo, Hernandez, and Rivera

NAYS: Representatives Molinar and Lizarraga

NOT PRESENT FOR THE VOTE: Representatives Salcido and Rodriguez

**8<sup>TH</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Svarzbein, and carried to **OPPOSE** legislation safeguarding the freedom of speech by protecting social-media and email users from being censored based on the user's expressed viewpoints, including by providing a legal remedy for those wrongfully excluded from a platform.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Rivera, and Lizarraga

NAYS: Representative Rodriguez

NOT PRESENT FOR THE VOTE: Representative Salcido

**9<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annelo, and carried to **SUPPORT** Bill SCR2 recognizing that the Texas-Mexico border is vital to the economy, education, and character of our state, and that the cities and counties along the Texas-Mexico border are vibrant, prosperous, diverse, and safe communities.

AYES: Representatives Svarzbein, Annelo, Hernandez, Rivera, and Lizarraga

NAYS: Representatives Molinar and Rodriguez

NOT PRESENT FOR THE VOTE: Representative Salcido

**10<sup>TH</sup> MOTION**

Motion made by Representative Hernandez, seconded by Representative Svarzbein, and carried to **OPPOSE** bills that would limit local independent school districts' authority and **SUPPORT** bills that would expand local school district authority to establish COVID protocols based on the pandemic situation.

AYES: Representatives Svarzbein, Annelo, Hernandez, Rivera, and Lizarraga

NAYS: Representatives Molinar and Rodriguez

NOT PRESENT FOR THE VOTE: Representative Salcido

**11<sup>TH</sup> AND FINAL MOTION**

Motion made by Representative Hernandez, seconded by Representative Annelo, and carried to **OPPOSE** legislation that provides funding for a border wall or requires local law enforcement officers to train or perform duties that should be performed by State or Federal law enforcement officers.

AYES: Representatives Svarzbein, Annelo, Hernandez, Rodriguez, Rivera, and Lizarraga

NAYS: Representatives Molinar

NOT PRESENT FOR THE VOTE: Representative Salcido

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**7. Presentation and discussion on the creation and governance structure of the El Paso Water Utilities - Public Service Board.**

Ms. Karla Nieman, City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Elizabeth Triggs, Strategic Partnerships Officer
- Mr. Juan Gonzalez, Assistant City Attorney

Representatives Svarzbein, Hernandez, and Lizarraga commented.

**NO ACTION** was taken on this item.

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8. **RESOLUTION**

**WHEREAS**, pursuant to Section 1502.070 of the Texas Government Code, the management and control of a municipal utility system may be vested in a board of trustees named in the proceedings adopted by the municipality; and

**WHEREAS**, on May 22, 1952 the City of El Paso ("**City**") adopted Ordinance No. 752 creating the El Paso Water Utilities – Public Service Board ("**EPWater**"), a governing board of trustees, and component unit of the City, duly formed in accordance with Texas law, to operate and manage the El Paso water and wastewater system; and

**WHEREAS**, on June 19, 2007, the City adopted Ordinance No. 16668 for the purpose of establishing a municipal drainage utility system and vested in EPWater the management and control of that system (together with the water and wastewater system, the "**System**"); and

**WHEREAS**, Section 1502.068 of the Texas Government Code, as well as Ordinance Nos. 752 and 16668, is required to annually file with the City a detailed report of the operation of the System for the preceding 12-month period; and

**WHEREAS**, Section 1502.070 allows a municipality to specify the powers and duties of the board of trustees of the municipal utility system; and

**WHEREAS**, the City Council desires to better integrate and coordinate with EPWater in the delivery of City services, including delivery of water, wastewater, and stormwater drainage and reclamation services, to improve the health, safety and welfare of its residents; and

**WHEREAS**, the City Council seeks to achieve stronger collaboration through increased communication with EPWater, deeper integration of EPWater in the City's strategic planning process; formalized operational coordination,

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

**Section 1.  
Quarterly System Status Reporting**

- A. **Quarterly System Status Reports.** At least quarterly beginning with the Fiscal Year starting September 1, 2021, EPWater will require the General Manager of EPWater (“General Manager”) to present to the City Council a report on the status of the System. This quarterly reporting is in addition to, but where appropriate, may be combined with reporting requirements mandated by applicable federal, state and local statutes, regulations, rules and ordinances. All reports will be made at a regular meeting of the City Council and recorded with the City Clerk.
- B. **Content of Quarterly System Status Reports.** Quarterly System Status reports should include key performance metrics and where appropriate, industry comparative data including best in class rankings, as it relates to the EPWater’s delivery of water, wastewater, drainage, Open Space land management/preservation strategies and reclamation services. An emphasis should be placed on reporting for the following areas:
1. **Product Quality** including the production of high-quality products and performance monitoring metrics and results.
  2. **Customer Satisfaction** including: 1) engagement and education efforts; and 2) customer feedback, complaint and response mechanisms and results, and Open Space land management.
  3. **Financial Viability** including rates that reflect the full cost of service, fees, reserves, debt management, and the creation of additional revenue streams (including revenue generated from land sales).
  4. **Infrastructure Management & Performance** as it relates to the management and maintenance of infrastructure and other physical assets, such as Open Space land management/preservation strategies.
  5. **Enterprise Resiliency** including safety and security measures, disaster planning, and emergency response and recovery.

**Section 2.  
Strategic Planning Integration**

- A. **Participation in the City’s Strategic Planning Process.** To ensure alignment between City and EPWater organizational strategic objectives, EPWater will require the General Manager to participate in the City’s annual strategic planning process. Participation will include:
1. Involvement in annual strategy sessions in order to share data that will be beneficial to the strategic planning process (e.g., performance reports and projections on key organizational measures, review and reporting of short- and long-term financial measures, and customer feedback);
  2. Development of shared strategic objectives to address identified strategic goals, challenges and opportunities; and
  3. Participation in performance measurement monitoring, periodic reporting (including, but not limited to, the provision of the quarterly system status reports defined in

**Section 1)**, and knowledge sharing measures to ensure accountability for progress toward identified strategic objectives.

### **Section 3. Operational Coordination**

- A. Planning Document Coordination.** As needed for City overall planning purposes, EPWater will participate in the development of, and reasonable updates to, relevant portions of the City's planning documents, including but not limited to, the City's Future Land Use Map, Open Space Master Plan, and other applicable land use and public facility elements contained in its Comprehensive Plan and development rules and regulations.
- B. Existing and Proposed Facilities.** On an annual basis, EPWater will submit information, in an agreed format, related to the general location, proposed location, and capacity of existing and proposed System facilities. EPWater will update information provided to the City under this section when there are major changes to EPWater's System plans.
- C. Capital Improvement Plan Project Coordination.** EPWater and the City will assign a representative whose responsibility will be to coordinate planning for Capital Improvement Plan projects, including those that involve undergrounding. Such coordination shall include the following:
1. A schedule of EP Water's planned capital improvements, which may affect the right-of-way for that year should be provided to the City by February 1st of each year.
  2. EPWater and the City will meet at least quarterly, as needed by each party, to schedule and coordinate construction impacting the public right -of-way.
  3. All construction locations, activities, and schedules will be coordinated to minimize public inconvenience, disruption, or damages.
- D. Emergency Operations.** EPWater and the City will cooperate in the planning and implementation of emergency operations response procedures, including but not limited to: notification of and coordination to ensure consistent response messaging during emergency events; and the provision of a continuous, without interruption live call center service to respond to emergency service requests made by City residents and businesses during an emergency response event. In providing a continuous, without interruption live call center service, EPWater and the City may coordinate in the use of 311.
- E. General Coordination and Information.**
1. **Account Data.** To assist the City in understanding growth patterns across the City, EPWater will provide the City water consumption and billing data on a quarterly basis, to include meter data by account number and historical address, and coordinate with the City to provide historical data to the extent possible.
  2. **Maps and Records.** EPWater will provide to the City: 1) as-built plans, maps, and records that show the vertical and horizontal location of its facilities within the right-of-way; and 2) maps and records of City-owned properties managed by EPWater,

including, but not limited to, appraisals and metes and bounds and survey documents. Maps will be provided in Geographical Information System or other digital format used by the City or EPWater. This information will be provided within 120 days of the effective date of this resolution. The City agrees to maintain confidentiality of any and all information received to the extent necessary to meet Homeland Security objectives and in accordance with public records laws.

3. **Joint Projects.** EPWater and the City will participate in joint projects that address emerging issues and strategic opportunities using results-focused improvement tools, such as Lean Six Sigma.

#### **Section 4. Other Strategic Opportunities**

**Within 120 days, EP Water will:**

- A. **Growth Management.** Provide City Council, at a meeting of the City Council, an update regarding City-owned properties held in trust that have been or may be declared inexpedient to the System and as such, may be sold.
- B. **Open Space Conservation and Preservation.** Provide City Council, at a meeting of the City Council, an update on potential stormwater projects that serve a dual open space purpose, including the funding mechanisms and/or partnerships necessary to secure those projects. The update will include a maintenance plan for the property known as "Lost Dog Trail" and other similar properties that serve a dual stormwater/open space purpose.
- C. **Water Supply.** Provide City Council with an update regarding its regional efforts to meet the existing and future water resource needs of its service area.

Ms. Elizabeth Triggs, Strategic Partnerships Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Tommy Gonzalez, City Manager, commented.

Mayor Leeser and Representatives Svarzbein and Annello commented.

The following members of the public commented:

1. Ms. Teresa Esparza
2. Ms. Hortencia Tibuni
3. Mr. Jack Loveridge
4. Ms. Elizabeth Williams

Ms. Aimee Saldivar recorded her support of the item.

#### **1<sup>ST</sup> MOTION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried to **AMEND** the Resolution as follows:

- Section 1 paragraph B. Content of Quarterly System Status Reports – insert the words

“Open Space land management/preservation strategies” after “EPWater’s delivery of water, wastewater, drainage”.

- Section 1.B.2. Customer Satisfaction – insert the words “such as Open Space land management” at the end of the sentence.
- Section 1.B.4. Infrastructure Management & Performance – insert the words “such as Open Space land management/preservation strategies” at the end of the sentence.

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

NAYS: None

**2<sup>nd</sup> and FINAL MOTION**

Motion made by Representative Annello, seconded by Representative Rodriguez, and unanimously carried to **APPROVE** the Resolution as **AMENDED**.

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

NAYS: None

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The meeting was **RECESSED** at 3:55 p.m. and **RECONVENED** at 6:36 p.m. in order to convene a Meeting of Urgent Public Necessity related to Texas Governor Order-38 limiting local authority to address health emergencies.

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The meeting was **RECESSED** at 6:37 p.m. and **RECONVENED** on **August 17, 2021** at 12:32 p.m.

.....  
**EXECUTIVE SESSION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** on **August 17, 2021** at 12:36 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

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** the Executive Session on **August 17, 2021** at 2:38 p.m. and **RECONVENE** the meeting of the City Council.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Rodriguez

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**EX1. Update on Joseph C. Pickett v. City of El Paso, Texas; 384th District Court,**

Cause No. 2020DCV3514. .2Matter No. 21-1007-2680 (551.071)

NO ACTION was taken on this item.

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EX2. Quarterly Litigation Report (March - June 2021). Matter No. 19-1021-1210 (551.071)

NO ACTION was taken on this item.

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EX3. Discussion on the value and purchase/sale of real property partially located outside city limits near the Upper Valley of the City of El Paso, Texas and New Mexico. Matter No. 21-1004-1258 (551.072)

NO ACTION was taken on this item.

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EX4. Discussion on the value and purchase/sale of real property located in the West side of the City of El Paso, Texas. Matter No. 21-1008-165 (551.071) (551.072)

NO ACTION was taken on this item.

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EX5. Discussion regarding potential lease of property to a business prospect on airport property. Matter No. 21-1003-1193 (551.072) (551.087)

NO ACTION was taken on this item.

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EX6. Update on HB 1520 and Securitization Request by Texas Gas Service Company, a division of ONE Gas, Inc., for Recovery of Extraordinary Costs Incurred during the 2021 Winter storm and Mitigate Future Costs, Texas Railroad Commission Docket No. 00007069. Matter No. 20-1008-147 (551.071)

NO ACTION was taken on this item.

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EX7. Update - Application of El Paso Electric Company for approval to revise its Energy Efficiency Cost Recovery Factor (EECRF) and to request to establish revised cost caps. Public Utility Commission of Texas Docket No. 52081. Matter No. 21-1008-172 (551.071)

NO ACTION was taken on this item.

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EX8. Update on Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195. Matter No. 21-1008-174 (551.071)

NO ACTION was taken on this item.

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EX9. Economic Incentives for a Manufacturing Company to be located in the City of El Paso. Matter No. 21-1007-2740 (551.071) (551.072) (551.087)

NO ACTION was taken on this item.

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**ADJOURN**

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rivera and unanimously carried to **ADJOURN** the meeting on **August 17, 2021** at 2:39 p.m.

AYES: Representatives Anello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Rodriguez

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk