

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 L. RODRIGUEZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

CITY COUNCIL WORK SESSION MINUTES
June 22, 2020
9:05 AM

Due to the temporary suspension 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 9:28 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Anello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga.
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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, provided an overview of the upcoming presentation and commented on infection and death rates, as well as the importance of social distancing, and reminded everyone to remain active and vigilant. Mr. Gonzalez also highlighted the close working relationship between the City's Cross-Functional Team and the County of El Paso.

a) Update on Governor Abbott's Executive Orders (Karla Nieman)

Ms. Karla Nieman, City Attorney, began the presentation by briefing Council on the monthly activity related to the Governor's Executive Orders as well as the Local Emergency Directive. She indicated that Governor Abbott's Executive Order No. 26 related to Open Texas Phase III remains in effect. Ms. Nieman also mentioned that the Governor's Disaster Declaration renewal was in line with the renewal of the Local Emergency Directive. She also highlighted the work the City Attorney's Office has done to support City Departments while meeting with other Texas Cities and actively working with the County of El Paso in addition to assisting the Office Of Emergency Management.

b) Update on City Attorney's Office Support During COVID-19 Pandemic

The following City Attorney's staff members continued with the presentation:

- Ms. Ana Schumacher, Assistant City Attorney
- Ms. Abbie Mullin, Assistant City Attorney
- Ms. Anelisa Benavidez, Assistant City Attorney
- Ms. Sol Cortez, Senior Assistant City Attorney

During this portion of the presentation Council members were briefed on Social Distancing Requirements which emphasize home standards to limit gatherings to no more than 10 people and the importance of social distancing with people over the age of 65. An update on the face covering mandate implemented on June 18, 2021 was also discussed at this time. The attorneys highlighted the work the department has delivered in the form of guidance and legal advice on key legal documents such as health and safety policies, expenditure manuals, notices of funding availability, subrecipient and service agreements and forms related to the Cares Act Coronavirus Relief Funds. They also reviewed the support being provided to the Human Resources Department in the development and drafting of notices to employees assigned to special COVID-19 project work, advising City leadership in the plan to safely reopen worksites and worker's compensation claims.

2. Cross-Functional Team Operations (Mario D'Agostino)

Fire Chief Mario D'Agostino continued the presentation by providing a summary of the continued response, mitigation efforts, recovery and preparedness plans that the Cross-Functional Team has been working on.

3. Team Report Outs:

- 1. Health Focus (Hector Ocaranza, M.D.)**
- 2. Testing Recap and Update (Tracey Jerome)**
- 3. Data Analysis (David Coronado)**
- 4. Financial Focus (Robert Cortinas)**
- 5. Community Vulnerabilities and Human Services (Nicole Ferrini)**
- 6. Economic Recovery (Jessica Herrera)**
- 7. Operations Focus (Cary Westin)**

The following City staff members presented a PowerPoint presentation and/or answered questions posed by City Council members:

1. Dr. Hector Ocaranza, Health Authority
2. Ms. Tracey Jerome, Deputy City Manager
3. Mr. David Coronado, International Bridges Director
4. Mr. Robert Cortinas, Chief Financial Officer
5. Ms. Nicole Ferrini, Community and Human Development Director
6. Ms. Jessica Herrera, Economic and International Development Director
7. Mr. Cary Westin, Senior Deputy City Manager
8. Ms. Laura Cruz-Acosta, Strategic Communications Director
9. Mr. Tommy Gonzalez, City Manager

The presentation included information related to contact tracing, current cases and testing, risk factors that impact hospitalization of infected individuals, vaccine trials, loss of revenue due to COVID-19 economic impact, updates to City's website to include the latest information provided by the Centers for Disease Control, new hires for epidemiology and testing and enforcement of businesses per Centers for Disease Control and Prevention (CDC) guidelines. Information was also provided on new testing locations to include sites managed by City partners, travel restrictions, business closures, and economic assistance available for individuals and small businesses.

Mayor Margo and Representatives Svarzbein, Anello, Hernandez, and Rodriguez commented.

NO ACTION was taken on this item.

2.

RESOLUTION

WHEREAS, on March 13, 2020 the President of the United States declared a national emergency, the Governor of the State of Texas declared a state of disaster, and the Mayor of the City of El Paso ("City") declared a local state of disaster in relation to COVID-19; and

WHEREAS, on March 17, 2020 City Council issued an Emergency Ordinance Instituting Emergency Measures Due to A Public Health Emergency ("Emergency Ordinance"); and

WHEREAS, the City received funds from the Coronavirus Aid, Relief and Economic Security Act ("**CARES Act**") administered by the United States Department of Treasury ("**Granting Agency**") for the Coronavirus Relief Fund program ("**Program Funds**"); and

WHEREAS, the Subrecipient has submitted an application for funds and the City's Community Development Department (the "**Department**") has approved the application; and

WHEREAS, the funds used in this Agreement are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the funds used in this Agreement were not accounted for in the budget most recently approved by the City of El Paso; and

WHEREAS, the expenditures under this Agreement will be incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the City finds that the people benefiting from the assistance under this Agreement, are people that are suffering from employment or business interruptions due to COVID-19 related business closures; and

WHEREAS, the City finds that the funds distributed under the Program Scope of this Agreement are necessary expenditures in the reasonable judgment of

the City Council of the City of El Paso; and

WHEREAS, the provisions in this Agreement ensure that the Program scope is provided for its intended use of providing economic support to those suffering from employment or business interruptions due to COVID-19 related business closures; and

WHEREAS, the assistance provided under the Program Scope of this Agreement is structured in such a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary; and

WHEREAS, the Granting Agency has approved Program Funds to be used to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency to assist such individuals with payment of emergency individual needs; and

WHEREAS, the Program Scope of the Agreement follows the requirements of the Granting Agency regarding emergency financial assistance.

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

The City Manager be authorized to sign a Subrecipient Grant Agreement with El Paso Community Foundation to deploy the Community Fund Gap Assistance program. The amount of the agreement is capped at \$1,500,000. Further, that the City Manager be authorized to sign any amendments to the agreement without further City Council approval, provided that such amendments do not increase the funding amount and provided such amendments meet all federal requirements. Further, the City Manager is authorized to sign any documents and exercise any rights of the City under the agreement.

Ms. Nicole Ferrini, Community and Human Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Anello, Hernandez, and Rodriguez commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Mr. Robert Cortinas, Chief Financial Officer
- Ms. Karla Nieman, City Attorney

The following members of the public commented:

1. Mr. Robert Heyman
2. Mr. Eric Pearson

Motion made by Representative Anello, seconded by Representative Salcido, and unanimously carried to **APPROVE** the Resolution.

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

NAYS: None

3.

RESOLUTION

WHEREAS, on July 9, 2019, the City Council for the City of El Paso adopted the Final Action Plan for 2019-2020 and on that date Authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the 2019-2020 Annual Action Plan to include all certifications contained therein; and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the 2019-2020 Annual Action Plan to add projects under CARES Act, Community Development Block Grant (CDBG-CV) and Housing Opportunities for Persons with HIV/AIDS (HOPWA-CV)

WHEREAS, on March 17, 2020, the City amended the Annual Action Plan to add the Hueco Mountain Park Improvement Project (“First Amendment”).

WHEREAS, May 27, 2020, the City amended the Annual Action Plan to add projects under the CARES Act Emergency Solutions Grant Program (“**Second Amendment**”).

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

1. That the 2019-2020 Annual Action Plan is amended to add the following regarding the 45th Year Community Development Block Grant (CDBG-CV) and Housing Opportunities for Persons with HIV/AIDS (HOPWA-CV) funding:

\$1,500,000	Rental Assistance Project BRAVO, Inc.
\$700,000	Food Security El Pasoans Fighting Hunger Food Bank
\$250,000	Childcare Services YWCA El Paso del Norte Region
\$250,000	Financial Counseling + Bankability Community + Human Development
\$50,000	Domestic Violence and Abuse Prevention CASA of El Paso
\$109,382	Domestic Violence and Abuse Prevention Center Against Sexual and Family Violence
\$46,512	Domestic Violence and Abuse Prevention El Paso Child Guidance Center
\$100,000	Technical Assistance Contract TBD
\$751,473	Program Administration Community + Human Development
\$3,757,367	TOTAL CDBG-CV Funds

\$85,783	Rental Assistance & Case Management Department of Public Health
\$5,475	Program Administration Community + Human Development
\$91,258	TOTAL HOPWA-CV Funds

2. That the Department of Community and Human Development, through the Director, be authorized to make the above changes to the 2019-2020 Annual Action Plan in the United States Department of Housing and Urban Development’s program system.
3. That the City Manager, or designee, be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney’s Office and Director of Community and Human Development Department.
4. Except as herein amended, the 2019-2020 Annual Action Plan and 45th Year CDBG Program Budget as amended by the First Amendment and the Second Amendment remains in full force and effect.

Ms. Nicole Ferrini, Community and Human Development Director, and Ms. Jessica Herrera, Economic and International Development Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Annello and Hernandez commented.

The following members of the public commented:

1. Ms. Tracey Yellen
2. Ms. Susan Goodell
3. Mr. B.J. Smith
4. Ms. Alejandra Cavida

Motion made by Representative Morgan, seconded b Representative Lizarraga, and unanimously carried to **APPROVE** the Resolution.

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

4.

RESOLUTION

WHEREAS, on August 23, 2018 City Council approved and adopted the Policy and Procedures for the 45th Program Year implementing the 2019-2020 Community Development Block Grant (CDBG) Program, Emergency Solutions Grant (ESG) Program, Housing Opportunities for Persons with AIDS (HOPWA) Program, HOME Investment Partnerships (HOME) Program (**2019- 2020 Citizen Participation**

Plan); and

WHEREAS, on September 17, 2019 City Council approved and adopted the Policy and Procedures for the 46th Program Year implementing the 2020-2021 Community Development Block Grant (CDBG) Program, Emergency Solutions Grant (ESG) Program, Housing Opportunities for Persons with AIDS (HOPWA) Program, HOME Investment Partnerships (HOME) Program (**2020- 2021 Citizen Participation Plan**); and

WHEREAS, City wishes to amend 2019-2020 and 2020-2021 Citizen Participation Plan to include language regarding program waivers authorized by the United States Department of Housing and Urban Development (**HUD**) in response to the COVID-19 pandemic.

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

1. That the 2019-2020 and 2020-2021 Citizen Participation Plans are amended to include the following language:

EXPEDITED PROCESS FOR COVID-19 RESPONSE & RECOVERY

The Department of Housing and Urban Development (HUD) has issued specific program waivers and flexibilities to allow grantees to direct federal funds to the COVID-19 pandemic response in an expedited manner. The following requirements and procedures described in this section override all applicable requirements and procedures located in other sections of this document, until such time as HUD lifts those applicable waivers and flexibilities.

- Public Comment for Community Development Block Grant (CDBG) Program – A notice of proposed Annual Action Plan and/or Consolidated Plan related to the Community Development Block Grant Program, and substantial amendments to the City’s Annual Action Plan and/or Consolidated Plan, related to CDBG, will be published on the City’s web site no less than 5 days before the final plans or substantial amendments are considered for adoption by City Council, in order to provide a period of 5 days for comments from the public.
- Public Comment for Emergency Solutions Grant (ESG) Program – Notice of substantial amendments to the City’s Annual Action Plan and/or Consolidated Plan, related to ESG, will be published on the City’s web site for public review following adoption by City Council.
- Public Hearings – In-person public hearings are not required. The City may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the City’s certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.
- Plan Availability – Policies and Procedures, Citizen Participation Plans and Annual

and Consolidated Plans will be available at public facilities, as delineated in this document, within 2 weeks of the reopening of those public facilities, as they are currently closed under emergency orders.

2. Except as herein amended the 2019-2020 and 2020-2021 Citizen Participation Plans remain in full force and effect.

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

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

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

NAYS: None

5.

RESOLUTION

WHEREAS, on March 13, 2020 the President of the United States declared a national emergency, the Governor of the State of Texas declared a state of disaster, and the Mayor of the City of El Paso (“City”) declared a local state of disaster in relation to COVID-19; and

WHEREAS, on March 17, 2020 City Council Issued an Emergency Ordinance Instituting Emergency Measures Due to A Public Health Emergency (“Emergency Ordinance”); and

WHEREAS, some local businesses were ordered to cease operations due to national and local regulations related to the COVID-19 pandemic, causing a large number of lay-offs and economic strain for the City and its residents and businesses; and

WHEREAS, on March 27, 2020, the federal government enacted the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”), which established the Coronavirus Relief Fund and appropriated \$150 billion to the Fund to be used to address the economic fallout caused by the COVID-19 pandemic; and

WHEREAS, the City is a recipient of the Coronavirus Relief Fund under the CARES Act grant; and

WHEREAS, on May 12, 2020 the City Council appropriated the Coronavirus Relief Fund grant funds to be used by the City in accordance with the requirements stipulated by the CARES Act and federal guidelines; and

WHEREAS, the City issued a Notice of Funding Availability (**NOFA**) for the purpose of selecting proposals to establish an Action Plan for the Economic Development and Community Development programs to be funded by Coronavirus Relief Fund grant funds, to provide necessary economic support to those suffering from employment or business interruptions as a way to address the second order

effects of COVID-19; and

WHEREAS, after review of the proposals received in response to the NOFA, the City desires to approve the programs, expenses and entities identified in the Action Plans presented in the exhibits of this Resolution and declares, in the reasonable judgment of the City Council, that such expenses are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019.

WHEREAS, all expenses established in the Action Plans are necessary expenditures incurred due to public health emergency with respect to COVID-19, the funds used for the Action Plans are were not accounted for in the budget most recently approved by the City of El Paso, and the expenditures under the Action Plans will be incurred during the period beginning on the effective date of each executed agreement and ending on December 30, 2020.

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

1. THAT City Council approves the Community Development Action Plan attached as Exhibit "A" of this Resolution and the Economic Development Action Plan attached as Exhibit "B" of this Resolution ("Action Plans"); and
2. THAT in the reasonable judgment of the City Council, the programs and expenses identified in the Action Plans are necessary expenditures incurred due to COVID-19; and
3. THAT to the programs and expenses in the Action Plans provide necessary economic support to those suffering from employment or business interruptions as a way to address the second order effects of COVID-19; and
4. THAT all expenses established in the Action Plans are necessary expenditures incurred due to public health emergency with respect to COVID-19, the funds used for the Action Plans are were not accounted for in the budget most recently approved by the City of El Paso, and the expenditures under the Action Plans will be incurred during the period beginning on the effective date of each executed agreement and ending on December 30, 2020; and
5. THAT the City Manager or designee is authorized to execute Subrecipient Agreements and Service/Goods Agreements with all agencies, entities, and persons identified in the Action Plans attached herein; and
6. THAT the City Manager be authorized to modify the grant amount of the agreements prior to execution. Further, that the City Manager or designee be authorized to exercise any rights or obligations under the agreements, terminate the agreements, and execute amendments to the agreements including increasing or decreasing grant amounts; and
7. THAT the City Manager be authorized to reallocate funds in order to ensure the timely spending of the Coronavirus Relief Funds including executing agreements with agencies, entities or persons not identified in the attached Action Plans.

Mayor Margo commented.

The following members of the public commented:

1. Ms. Denise Vasquez
2. Mr. Bill Schlesinger
3. Ms. Marybeth Stevens
4. Ms. Leila Melendez
5. Ms. Alma Aranda
6. Mr. Demetrio Jimenez
7. Ms. Jackie Butler
8. Ms. Tracy Yellen
9. Ms. Marisa Limon-Garza
10. Mr. Robert Heyman
11. Ms. Sylvia Acosta

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

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

NAYS: None

6. Sun Metro Customer Outreach plan for COVID-19 Recovery Route System.

Ms. Ellen Smyth, Mass Transit Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

NO ACTION was taken on this item.

7. City Manager Update for the Police Department.

Mr. Tommy Gonzalez, City Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Police Chief Greg Allen commented.

Representatives Annello and Lizarraga commented.

NO ACTION was taken on this item.

8. Presentation and discussion on the Power of our Strategic Plan.

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

Ms. Jessica Herrera, Economic and International Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The following City Staff members commented:

- Ms. Nicole Ferrini, Community and Human Development Director
- Mr. Robert Cortinas, Chief Financial Officer
- Mr. Cary Westin, Senior Deputy City Manager
- Mr. Tommy Gonzalez, City Manager

Representative Svarzbein commented.

NO ACTION was taken on this item.

EXECUTIVE SESSION

Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 4:35 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 item:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY

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

NAYS: None

Motion made by Representative Rivera, seconded by Representative Svarzbein, and unanimously carried to adjourn the Executive Session at 6:02 p.m. and **RECONVENE** the meeting of the City Council during which time motions were made

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

NAYS: None

EX1. Interim Rate Adjustment filed by Texas Gas Service Company, a division of ONE Gas, Inc., on March 12, 2020. Matter: 20-1008-142 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that That the City Council find after review of the Interim Rate Adjustment filed by Texas Gas Service Company, a division of ONE Gas, Inc., on March 12, 2020, that interim adjustments in the utility's monthly customer charge for changes in investment, as identified in the filing, comply with the provisions of § 104.301 of the Texas Utilities Code, subject to refund at the issuance of a final order or decision in the next rate case.

1. That pursuant to Texas Utilities Code § 104.30 I, Texas Gas Service Company, a division of ONE Gas, Inc., is authorized to charge the following additional Interim Rate Adjustment customer charge amounts for gas serv ice within the City of El Paso:

a. Residential	\$ 1.19
b. Commercial (incl. Commercial A/C and transport)	\$ 3.71
c. Industrial (incl. Industrial A/C and transport	\$100.42

- d. Public Authority (incl. Public Authority A/C) \$ 14.85
- e. Water Pumping \$ 51.62

- 2. That the increases identified in paragraph 1, above are **APPROVED** for bills rendered after July 1, 2020.
- 3. That Texas Gas Service Company, a division of ONE Gas, Inc., is ordered to reimburse the City for its expenses incurred in this application.

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

NAYS: None

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EX2. Request of Texas Gas Service Company, a division of ONE Gas, Inc., for Written Approval for Continued Use of Financial Instruments for Hedging Gas Costs for the 2020-2021 Heating Season. Matter: 20-1008-147 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Council of the CTTY OF EL PASO **APPROVES** the request of Texas Gas Service Company, a division of ONE Gas, Inc., for Written Approval for Continued Use of Financial Instruments for Hedging Gas Costs for the 2020-2021 Heating Season.

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

NAYS: None

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EX3. 8600 Montana Ave. Lease (13-1040-069) (551.071) (551.072)

NO ACTION was taken on this item.

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EX4. Real Estate Update: 9009 Alameda (18-1007-2303) (551.071) (551.072)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Rivera, seconded by Representative Svarzbein, and unanimously carried to **ADJOURN** this meeting at 6:06 p.m.

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

NAYS: None

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk