

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
JOSH ACEVEDO, 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
July 29, 2024
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. Meeting was called to order at 9:24 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Josh Acevedo, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales. Early departure: Henry Rivera at 11:18 a.m.

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AGENDA
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1. **ORDINANCE 019655**

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN
PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE
HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS
MIGRATION THROUGH EL PASO**

WHEREAS, on May 23, 2022, the Mayor and City Council of the City of El Paso (the “City”) passed an Emergency Ordinance No. 019333 “Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

WHEREAS, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

WHEREAS, in response to potential street releases and partly pursuant to Emergency Ordinance No. 019333, the El Paso City-County Office of Emergency Management (“OEM”) reallocated COVID-19 Operations staff to assist as migrant shelter surge staff and created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity; and

WHEREAS, in the Fall of 2022, at least partly pursuant to the authority contained in Emergency Ordinance No. 019333, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, the Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operations of the El Paso International Airport (“EPIA”) and to ensure that those operations are conducted in compliance with the rules and regulations regarding airports under Title 14 of the Code of Federal Regulations, Chapter 22 of the Texas

Transportation Code, and Title 14 of the El Paso City Code, as well as federal, state, and local health and safety regulations to ensure the health, safety, and welfare of all occupants and travelers making use of EPIA facilities; and

WHEREAS, from time to time during the migration waves, EPIA in recent past, has become saturated with migrants awaiting air travel and has needed to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure its facilities as the demand for air travel increases exponentially; and

WHEREAS, the City of El Paso is home to four international ports of entry between Texas and Mexico; and

WHEREAS, at times during the pendency of Emergency Ordinance No. 019333, border officials have barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge attributed to rumors about the relaxation of immigration restrictions circulated on social media sites, which has caused significant delays at the international ports-of-entry involving trade; and

WHEREAS, the encampment of large groups of migrants on City rights of way, parks and other City property at one point led to street closures and cessation of the streetcar service and reassignment of City staff required to ensure safety and sanitary conditions in that area; and

WHEREAS, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local non-governmental organizations (“NGOs”) with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, the Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border; and

WHEREAS, at that time and subsequent to that time, tens of thousands of migrants from Latin America and around the world gathered at or near the U.S.- Mexico border in hopes that President Biden would ease immigration restrictions that will make it easier to enter the United States; and

WHEREAS, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 482,095 land border encounters and over 174,000 community releases in the federal fiscal year 2023; and

WHEREAS, for federal fiscal year 2024, the Southwest had 1,691,251 migrant encounters and

WHEREAS, when the CBP Central Processing Center is over capacity and the NGO space is unavailable, that is when the potential for street releases arises; and

WHEREAS, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

WHEREAS, there are significant public safety and security concerns related to the waves of migration, including but not limited to the risk of injury or loss of life with migrants in

El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of these waves of migrants; and

WHEREAS, the White House issued a proclamation, effective June 5, 2024, limiting asylum eligibility, and increasing the consequences for crossing the southern border without authorization; and

WHEREAS, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

WHEREAS, this Ordinance shall remain in effect until otherwise terminated, re-enacted, superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, state or federal law, or repealed automatically as of the 31st day following the date on which it was adopted unless re-enacted pursuant to City Charter Section 3.10; and

WHEREAS, this document reflects the authority of the City of El Paso's Office of Emergency Management in the handling of the local mass migration and is separate and apart from any authority possessed by any other jurisdiction on migrant issues.

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 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.

Mayor Leeser and Representatives Hernandez, Salcido, Rivera, and Canales commented.

Assistant Fire Chief Jorge Rodriguez commented.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Fierro, and unanimously carried that the Ordinance be **ADOPTED**.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

Mayor Leeser consented to the adoption of the Emergency Ordinance.

2. Equity and Inclusion Cross-Functional Team Update.

Ms. Denice Sepulveda, Performance Management Coordinator, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Acevedo, Hernandez, Molinar, Salcido, and Canales commented.

The following City staff members commented:

- Mr. Robert Cortinas, Chief Financial Officer
- Mr. Cary Westin, Interim City Manager

NO ACTION was taken on this item.

3. **ITEM:** Discussion and action to direct the City Manager to allow community members and community organizations to use city facilities to host three additional community-led meetings between members of the public and the finalist candidates for City Manager. This will be a change in addition to the existing Community Forum with council appointed panels slated for August 7, 2024 held at City Hall and the meet-and-greet held at the El Paso Convention Center. The purpose of these meetings will be to foster greater community outreach, engagement, and inclusion while bringing fair and equitable geographic engagement across all eight city council districts towards bringing greater unity in the selection of the next City Manager.

Ms. Laura Cruz-Acosta, Strategic Communications Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Kennedy, Acevedo, Hernandez, Molinar, and Salcido commented.

Mr. Edward Williams, Baker Tilly Director of Public Sector Executive Recruitment Team, responded to questions from Council members.

The following City staff members commented:

- Ms. Monica Kretschmer, Deputy Human Resources Officer
- Ms. Kristen Hamilton-Karam, Deputy City Attorney
- Mr. Cary Westin, Interim City Manager
- Ms. Mary Wiggins, Chief Human Resources Officer

Motion made by Representative Acevedo, seconded by Representative Salcido, and carried to **DIRECT** the City Manager to allow community members and community organizations to use city facilities to host three additional staff-led meetings between members of the public and the finalist candidates for City Manager to be held at Beast Urban Park, Nolan Richardson Recreation Center, and Silvia Carreon Community Center, and add qualitative and quantitative surveys so that the results are provided to Council prior to City Manager interviews.

AYES: Representatives Acevedo, Hernandez, Molinar, Salcido, Rivera, and Canales

NAYS: Representatives Kennedy and Fierro

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4. **ITEM:** Discussion and action to amend the City Manager search process by eliminating City Representative interview panels and instead have the entire body of the El Paso City Council conduct interviews with candidate finalists as one body. This process creates better perspective, allows for greater follow up questions and discussion, and achieve greater collaboration and unity. This further reduces the burden on candidate finalists and allows for better preparation during interviews. Amend interview process further by eliminating rule that restricts City Representatives to speaking twice and for only 20 minutes total.

Mayor Leeser and Representatives Acevedo and Rivera commented.

Motion made by Representative Acevedo, seconded by Representative Salcido, and unanimously carried to **AMEND** the City Manager search process by eliminating City Representative interview panels and instead have the entire body of the El Paso City Council conduct interviews with candidate finalists as one body. This process creates better perspective, allows for greater follow up questions and discussion, and achieve greater collaboration and unity. This further reduces the burden on candidate finalists and allows for better preparation during interviews. Amend interview process further by eliminating rule that restricts City Representatives to speaking twice and for only 20 minutes total.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

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5. **ITEM:** Discussion and action to direct the City Manager and City Attorney to prepare and host two community meetings in each city council district to inform, educate, and explain in detail the proposed ordinance calling an election on November 5, 2024, to permit voters to determine whether to revoke the City's authority to issue the 2012 Quality of Life bonds that have not yet been sold or delivered. Further, provide a cost analysis and detailed line-item budget for the community outreach, mailers, text messages, and educational campaign related to the voter education the city will provide for this specific election. This should include an estimate of the total cost to the taxpayers. Additionally, all marketing, communication, and outreach must provide timelines across all mediums and be approved by the council prior to initiation. Outreach should commence once the election is called and be completed no later than two weeks before the first ballots by mail are sent out. The communication should include a timeline of events from 2012 to the present and a list of all expenditures for bond series that have been sold, but not fully utilized.

Ms. Laura Cruz-Acosta, Strategic Communications Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, and Canales commented.

Ms. Karla Nieman, City Attorney, commented.

Motion made by Representative Salcido, seconded by Representative Acevedo, and carried to **DIRECT** the City Manager and City Attorney to prepare and host nine community meetings in each City Council District, there will be eight in person, one hybrid, to inform, educate, and explain in detail the proposed Ordinance calling an election on November 5, 2024, and to provide a cost analysis and detailed line item budget for the community outreach, mailers, text

messages, educational campaigns related to the voter education the City will provide for this election; and also the outreach should commence once the election is called and be completed no later than one week before the first ballots by mail are sent out. The communication should include a timeline of events from 2012 to the present and a list of all expenditures for bond series that have been sold, but not fully utilized.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Rivera, and Canales
NAYS: Representative Fierro

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EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:18 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 items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera and Canales
NAYS: None

Representative Rivera was not present in executive session and Representative Hernandez joined the executive session at 11:58 a.m.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried to **ADJOURN** the Executive Session at 1:39 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, and Canales
NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rivera

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EX1. William C. Haywood v. City of El Paso, Texas, et al.; Case No. 3:20-cv-00114; Matter 20-1026-11325 (551.071)

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried that the City Attorney's Office, in consultation with the City Manager, to be authorized to **DENY** Plaintiffs settlement demand in *William C. Haywood v. City of El Paso, et al.*, in HQ Matter Number 3:20-cv-00114-KC, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, and Canales
NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rivera

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EX2. Joseph Pickett v. City of El Paso; 384th District Court; Cause 2020DCV3514; (551.071).

Mayor Leeser and Representatives Kennedy and Hernandez were not present during the discussion of this item.

NO ACTION was taken on this item.
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EX3. Adrian De Luna, et al v. City of El Paso, Texas, et al; Cause No. 2021DCV3548 (551.071)

Representative Kennedy recused himself from executive session during the discussion of this item.

NO ACTION was taken on this item.

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EX4. Application of El Paso Electric Company to Update Its Generation Cost Recovery Rider Related to Newman Unit 6; HQ#UTILITY-31 (551.071)

NO ACTION was taken on this item.

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EX5. El Paso Electric Company Military Base Discount Recovery Factor; HQ#UTILITY-47 (551.071)

NO ACTION was taken on this item.

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EX6. Purchase, exchange, lease, or value of real property located in El Paso; HQ#24-2276 (551.071) (551.072)

NO ACTION was taken on this item.

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EX7. Discussion on potential economic development opportunities in El Paso, Texas. HQ#24- 2539 (551.072) (551.087)

NO ACTION was taken on this item.

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EX8. Public information act requests related to selection of City Manager. HQ#24-TPIA-357 (551.071)

NO ACTION was taken on this item.

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Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried to **ADJOURN** the meeting at 1:41 p.m.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rivera

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk