

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
May 6, 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 9:27 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, and Chris Canales. Henry Rivera participated via videoconference. Early Departure: Art Fierro left during executive session.

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AGENDA

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1. Presentation update and discussion on the City's 2022 Citywide Synchronization Program Phase 1.

Mr. Randy Garcia, Streets and Maintenance Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Acevedo, Hernandez, and Molinar commented.

NO ACTION was taken on this item.

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2. Presentation and discussion providing a report from the following Goal Teams:

1. Vision Block: High-Performing Government

Goal 5 (Transparent & Consistent Communication)

Goal 6 (Sound Governance & Fiscal Management)

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

- Ms. Araceli Guerra, Managing Director of Information Technology & Human Resources
- Ms. Carolyn Patrick, Information Technology Deputy Chief Information Officer
- Ms. Laura Cruz- Acosta, Communications Director
- Ms. Maria Pasillas, Tax Assessor and Collector
- Ms. Margarita Marin, Comptroller

NO ACTION was taken on this item.

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3. **RESOLUTION**

WHEREAS, on March 13, 2020 the President of the United States declared a national

emergency, Governor of the State of Texas declared a state of disaster, and the Mayor of the City of El Paso declared a local state of disaster in relation to Coronavirus Disease 19 (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, on May 11, 2020 City Council approved appropriations for the CARES Act funds received by the City for eligible expenses from March 1, 2020 through August 31, 2021; and

WHEREAS, the City has on going COVID-19 related expenditures that have continued into FY 2022; and

WHEREAS, the COVID-19 pandemic is a public health crisis that has required immediate action from the City to relieve the emergency necessity of the municipality's residents and to protect the health and safety of the community, resulting in expenditures by the City to respond to the COVID-19 public health emergency; and

WHEREAS, on March 11, 2021, the federal government enacted the American Rescue Plan Act ("ARPA") which established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund ("CSLFRF"); and

WHEREAS, the Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of recovery funds not explicitly listed; and

WHEREAS, the City is a recipient of ARPA grant in the amount of \$154,365,135 from the fund to be received in two tranches, with the first received on May 12, 2021 in the amount of \$77,172,567.50, and the second half of equal value is expected to be received on or about May 12, 2022; and

WHEREAS, on July 27, 2021 the City Council appropriated \$15,000,000 of ARPA grant funds; and

WHEREAS, on January 18, 2022 the City Council appropriated \$7,821,018 of ARPA grant funds; and

WHEREAS, on March 15, 2022 the City Council appropriated \$6,600,000 of the ARPA grant funds; and

WHEREAS, on May 9th, 2022 the City Council appropriated the ARPA grant funds in the amount of \$115,979,244 in accordance with the requirements stipulated in the U.S. Department of Treasury's Final Rule ("Final Rule") and

WHEREAS, the City wishes to reallocate previously appropriated ARPA funds within existing allocations to assure compliance with the upcoming deadline to obligate ARPA funds.

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

THAT as the recipient of the American Rescue Plan Act (“ARPA”) grant funds in the amount of \$154,365,135, the City Council approves the reallocation of \$11,154,312 of the grant funds from the Coronavirus State and Local Fiscal Recovery Funds for the following programs in the specified amounts:

1. Self-Contained Breathing Apparatus in the amount of \$6,600,000;
2. El Paso Computers in the amount of \$3,000,000; and
3. Additional funding for the Public Health Clinic located in the Medical Center of the Americas in the amount of \$1,554,312.

THAT the above allocations are made in accordance with the requirements stipulated by the American Rescue Plan Act and federal guidelines in the Final Rule to cover expenses incurred to respond and recover from the COVID-19 public crisis.

THAT, the above appropriations were obligated during the period starting March 3, 2021, and ending December 31, 2024.

THAT, the City Manager, or designee, be authorized to effectuate any budget transfers and execute any contracts and/or related documents necessary to ensure that the American Rescue Plan Act (“ARPA”) grant funds are properly expended to respond to the COVID-19 public health emergency.

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

- Ms. Nicole Cote, Managing Director of Office of Management and Budget and Purchasing and Strategic Sourcing
- Assistant Fire Chief Gustavo Tavaréz
- Mr. Mario D’Agostino, Deputy City Manager of Public Safety and Support Services
- Police Chief Peter Pacillas
- Ms. Araceli Guerra, Managing Director of Information Technology and Human Resources
- Mr. Abraham Gutierrez, Assistant Director of Community and Human Development
- Mr. Richard Bristol, Streets and Maintenance Director
- Ms. Karina Brasgalla, Economic and International Development Interim Director

Representatives Hernandez and Molinar commented.

Ms. Karla Nieman, City Attorney, commented.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried to **APPROVE** the Resolution.

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

NAYS: None

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EXECUTIVE SESSION

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:53 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:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.074 PERSONNEL MATTERS

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

Representative Rivera was not present to discuss Executive Session Items as he participated virtually.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** the Executive Session at 12:24 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Kennedy, Fierro, and Rivera

The Work Session was **RECESSED** at 12:24 p.m. for a lunch break and **RECONVENED** at 1:32 p.m.

Motion made by Representative Canales, seconded by Representative Fierro, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 1:33 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 EX5 to EX7.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Rivera

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried to **ADJOURN** the Executive Session at 4:29 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Fierro and Rivera

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EX1. Application of El Paso Electric Company to Implement a Voluntary Texas Business Solar Power Program; HQ#UTILITY-14 (551.071)

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Canales, and carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to negotiate, settle, and execute a settlement agreement in the Application of El Paso Electric Company to Implement a Voluntary Texas Business Solar Power Program, under the Texas Public Utility Commission, Docket No. 55176, in Matter Number HighQ Utility-14, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Acevedo, Molinar, Salcido, and Canales
NAYS: Representative Hernandez
NOT PRESENT FOR THE VOTE: Representatives Fierro and Rivera
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- EX2.** El Paso Electric Company's Notice of Application to Reconcile Fuel Costs; HQ#UTILITY-15 (551.071)

NO ACTION was taken on this item.

- EX3.** Robert Bartley v. City of El Paso; 171st District Court; Cause No. 2020DCV1553 (551.071)

NO ACTION was taken on this item.

- EX4.** City of El Paso, Texas v. Ricks Cabaret and RCI Holdings; D/B/A "Jaguars Gold Club" Cause NO: 2024DCV0848 (551.071)

1ST MOTION

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Canales, that the City Attorney's Office be **AUTHORIZED** certain authority to engage in settlement negotiations of City of El Paso, Texas v. Ricks Cabaret and RCI Holdings, in Matter Number 2024DCV0848, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Acevedo, Salcido, and Canales

NAYS: Representatives Kennedy, Hernandez, and Molinar

NOT PRESENT FOR THE VOTE: Representatives Fierro and Rivera

2ND MOTION

Motion made, seconded, and carried to **RECONSIDER** the item to allow the Mayor to break the tie.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Canales, that the City Attorney's Office be **AUTHORIZED** certain authority to engage in settlement negotiations of City of El Paso, Texas v. Ricks Cabaret and RCI Holdings, in Matter Number 2024DCV0848, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Acevedo, Salcido, and Canales

NAYS: Representatives Kennedy, Hernandez, and Molinar

NOT PRESENT FOR THE VOTE: Representatives Fierro and Rivera

The Mayor broke the tie by voting "NAY" and the MOTION FAILED.

- EX5.** Contract with El Paso Zoological Society, HQ#2062 (551.071)

NO ACTION was taken on this item.

- EX6.** Edmundo Calderon v. City of El Paso, 2023DCV4372 (551.071)

NO ACTION was taken on this item.

- EX7.** City Attorney Annual Performance Evaluation HQ#2689 (551.071) (551.074)

NO ACTION was taken on this item.

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the meeting at 4:34 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Fierro and Rivera

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk