

OSCAR LEESER
MAYOR

DIONNE MACK
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
December 16, 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 9:34 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Josh Acevedo, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales. Cassandra Hernandez requested to be excused.
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AGENDA

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1. ORDINANCE 019694
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**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 256,102 land border encounters and over 180,581 community releases in the federal fiscal year 2024; and

WHEREAS, for federal fiscal year 2025, the Southwest had 56,530 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 commented.

Fire Deputy Chief Kevin Dieter introduced himself.

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

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

NAYS: None

ABSENT: Representative Hernandez

Mayor Leeser consented to the adoption of the Emergency Ordinance.

2. For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on September 17, 2024.

1. Approval of Minutes for the Financial Oversight and Audit Committee meeting of May 1, 2024.
 - Motion made by Representative Kennedy, seconded by Representative Fierro and approved by Representative Kennedy, Representative Acevedo, Representative Fierro and Representative Molinar to approve the minutes for the Financial Oversight and Audit Committee meeting of May 1, 2024.
2. Discussion and Action on the Update to the City of El Paso Investment Policy.
 - Motion made by Representative Fierro, seconded by Representative Molinar and approved by Representative Kennedy, Representative Acevedo, Representative Fierro and Representative Molinar to refer the City of El Paso Investment Policy to City Council for action.
3. Discussion and Action on the results of the City Council & City Manager's Office P-Card and Travel Review – Years 2020, 2021, 2022 and 2023.
 - Motion made by Representative Fierro, seconded by Representative Kennedy and approved by Representative Kennedy, Representative Acevedo and Representative Fierro to delete the agenda item.
4. Discussion and Action on directing staff to review the Internal Audit Charter for any proposed revisions.
 - 1st Motion made by Representative Kennedy, seconded by Representative Fierro and approved by Representative Kennedy, Representative Acevedo, Representative Fierro and Representative Molinar to recommend to City Council to direct staff to review the Internal Audit Charter for any proposed revisions including the appropriateness of retaining an outside consultant to recommend best practices.
 - 2nd Motion made by Representative Kennedy, seconded by Representative Molinar and approved by Representative Kennedy, Representative Acevedo, Representative Fierro and Representative Molinar to recommend to City Council to direct staff to review the Internal Audit Charter for any proposed revisions including the appropriateness of retaining an outside consultant to recommend best practices and to place the item immediately on City Council Agenda.
5. Discussion and Action on FY 2023-2024 Audit Plan 2nd Quarter Updates.
 - Motion made by Representative Acevedo, seconded by Representative Fierro and approved by Representative Kennedy, Representative Acevedo, Representative Fierro and Representative Molinar to accept FY 2023-2024 Audit Plan 2nd Quarter Updates except for those updates relating to, or arising from Item #s 3, 6, 7, and 8, which were previously deleted.
6. Discussion and Action on the Sun Metro – Parking Garage Contract Review Audit A2023-03 Report.
 - Motion made by Representative Fierro, seconded by Representative Kennedy and approved by Representative Kennedy, Representative Acevedo and Representative Fierro to delete the agenda item.

7. Discussion and Action on the Economic Development – 380 Agreement Monitoring Audit Report A2023-07.
 - Motion made by Representative Fierro, seconded by Representative Kennedy and approved by Representative Kennedy, Representative Acevedo and Representative Fierro to delete the agenda item.
8. Discussion and Action on the Sun Bowl Game Audit Report A2024-04.
 - Motion made by Representative Fierro, seconded by Representative Kennedy and approved by Representative Kennedy, Representative Acevedo and Representative Fierro to delete the agenda item.
9. Discussion and Action on FY 2023-2024 Audit Plan 3rd Quarter Updates.
 - Motion made by Representative Acevedo, seconded by Representative Molinar and approved by Representative Kennedy, Representative Acevedo, Representative Fierro and Representative Molinar to accept FY 2023-2024 Audit Plan 3rd Quarter Updates except for those updates relating to, or arising from Item #s 3, 6, 7, and 8, which were previously deleted.
10. Discussion and Action on the 3rd Quarter Hotline Calls.
 - Motion made by Representative Molinar, seconded by Representative Acevedo and approved by Representative Kennedy, Representative Acevedo, Representative Fierro and Representative Molinar to accept the 3rd Quarter Hotline Calls.
11. Discussion on Client Surveys.

Mayor Leeser and Representatives Kennedy and Molinar commented.

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

3.

RESOLUTION

WHEREAS, the Emergency Food and Shelter Program is a FEMA-funded program authorized by the McKinney-Vento Homeless Assistance Act; and

WHEREAS, Congress has appropriated \$117,000,000.00 for Fiscal Year 2024 to the fund to be used for supplemental grants to local government and non-profit organizations to support and expand existing programs that aid individuals and families who are, or at risk of , experiencing hunger and/or homelessness; and

WHEREAS, on November 14, 2024, the City Manager signed a Subrecipient Agreement to enter into an Agreement with Border Servant Corps., Inc. under the authority contained in the Emergency Ordinance Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration (“Ord No. 019333”) and its subsequent renewals; and

WHEREAS, pursuant to the Subrecipient Agreement, Border Servant Corps., Inc. began immediately providing services to noncitizens processed and released from the Federal Department of Homeland Security under FEMA’s Emergency Food and Shelter Program via United Way; and

WHEREAS, the City’s expenditure under the Subrecipient Agreement is, in the reasonable judgement of the City Council, a necessary expenditure incurred due to the continuing migration of individuals over the Southwest border; and

WHEREAS, the City of El Paso wishes to ratify the Subrecipient Agreement.

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

That, the City Council ratifies the Subrecipient Agreement between the City of El Paso and Border Servant Corps., Inc. for providing services to noncitizens being processed and released from federal custody.

Mayor Leeser and Representatives Rivera and Canales commented.

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

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

NAYS: None

ABSENT: Representative Hernandez

4.

RESOLUTION

WHEREAS, on May 23, 2022 the Mayor of the City of El Paso (City) issued an Emergency Ordinance due to a wave of migration through the City of El Paso (Ordinance 019333); and

WHEREAS, subsequent to the adoption of Ordinance 019333, the City of El Paso’s Office of Emergency Management entered into multiple contracts (Contracts), under § 252.022(a)(1) – (2) of the Texas Local Government Code, for the provision of various services to assist in addressing the humanitarian and public safety crisis resulting from a wave of migration through El Paso, Texas; and

WHEREAS, the City wishes to ratify the amounts expended under the Contracts through the date of consideration and approval of this Resolution.

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

That the City Council ratify the expenditures with the named vendors and in the specified amounts associated with the Contracts issued under § 252.022(a)(1) – (2) of the Texas Local Government Code and within the purview of Ordinance 019333 as listed below:

	Vendor Name	Contract ID	Description	Amount
1	Family Endeavors Inc	2025-0239	Shelter Management Services	\$2,000,000
2	G Sandoval Construction Inc	2024-0208	Maintenance & Repair	\$ 672,560
3	Karina Mitali, LLC	2025-0240	Lodging Services	\$ 369,220
4	Kiash Hospitality, LLC	2025-0240	Lodging Services	\$ 296,246
5	Relianse Yar LLC	2025-0240	Lodging Services	\$ 276,810
6	Rock Solid Protection LLC	2025-0241	Security Services	\$2,876,671
7	Super Chef Inc.	2025-0242	Meal Services	\$ 267,021
8	Supreme Laundry and Cleaners	2025-0243	Laundry Services	\$ 51,461
9	Universal Protection Service LP	2023-0558	Security Services	\$ 559,855
10	The Salvation Army A Georgia Corp	2023-0200	Meal Services	\$ 91,008
				\$7,460,852

Mayor Leeser and Representatives Rivera and Canales commented.

Ms. Nicole Cote, Managing Director, commented.

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

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

NAYS: None

ABSENT: Representative Hernandez

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5. **ITEM:** Discussion and action to direct the City Manager to develop a collaborative plan with the Central Appraisal District (CAD) to establish a Central Appraisal District satellite office during the property tax season within a City of El Paso facility such as the downtown tax office.

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

The following City staff members commented:

- Ms. Dionne Mack, City Manager
- Ms. Maria Pasillas, Tax Assessor Collector
- Ms. Karla Nieman, City Attorney

1ST MOTION

Motion made by Representative Canales, seconded by Representative Salcido, and carried to **AMEND** the language to read “to direct the City Manager to explore additional collaboration with the El Paso Central Appraisal District (CAD) during the property tax season”.

AYES: Representatives Kennedy, Acevedo, Salcido, Rivera, and Canales

NAYS: Representatives Molinar and Fierro

ABSENT: Representative Hernandez

2ND AND FINAL MOTION

Motion made by Representative Salcido, seconded by Representative Acevedo, and carried to **DIRECT** the City Manager to explore additional collaboration with the El Paso Central Appraisal District (CAD) during the property tax season.

AYES: Representatives Kennedy, Acevedo, Salcido, Rivera, and Canales

NAYS: Representatives Molinar and Fierro

ABSENT: Representatives Hernandez

EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:09 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 executive session items posted on the agenda:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the Executive Session at 10:49 a.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

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

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EX1. Debbie Navejas as representative of Armando Navejas v. City of El Paso, Texas, et al; USDC; 3:22-CV-00225 (551.071)

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Molinar, and unanimously carried that the City Attorney’s Office, in consultation with the City Manager, be authorized to participate in a mediation in the matter *Debbie Navejas, as representative of the Estate of Armando Navejas v. City of El Paso, et al*; in cause no. 3:22-CV-00225-KC, 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, Fierro, Rivera, and Canales
NAYS: None
ABSENT: Representative Hernandez

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EX2. Municipal Court Judges and applicable state law. (551.071)

NO ACTION was taken on this item.

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EX3. Discussion on potential economic development opportunities in Central El Paso. HQ#24-4018 (551.087)

NO ACTION was taken on this item.

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Motion made by Representative Canales, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the meeting at 10:51 a.m.

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

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk