

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
May 9, 2022
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:05 AM

.....
The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 9:28 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Anello, Joe Molinar, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Casandra Hernandez joined virtually. Claudia Rodriguez requested to be excused.
.....

AGENDA

-
1. **Discussion and action to authorize District 3 City Representative Cassandra Hernandez to attend Council meetings by video conference more than one regular meeting week in a row, for the meeting week of May 9, 2022 and the meeting week of May 23, 2022.**

Motion made by Representative Anello, seconded by Representative Rivera, and unanimously carried to **AUTHORIZE** District 3 City Representative Cassandra Hernandez to attend Council meetings by video conference more than one regular meeting week in a row, for the meeting week of May 9, 2022 and the meeting week of May 23, 2022.

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

NAYS: None

ABSENT: Representative Rodriguez

2. **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 update on the status of the current pandemic by explaining that while the number of positive cases had increased, the number of hospitalizations remained low. He stated that El Paso's classification according to the CDC remained low and reminded the community that vaccinations and boosters were available at various City locations without an appointment. Mr. Gonzalez highlighted that 81% of the local population was fully vaccinated noting this was above the figures reported at the State and National level. He also stated that 42% of individuals age 12 and older had received boosters and asked the community to remain

vigilant and follow the recommended precautions set forth by the CDC.

2. City Attorney Overview (Karla Nieman)
 - a) Greg Abbott, in his official capacity as Governor of Texas, v. City of El Paso & Statewide Mask Mandate Litigation
 - b) Additional Updates

Ms. Karla Nieman, City Attorney, continued the presentation by announcing that she did not have an update related to the City's mask mandate litigation and noted that the Biden administration had announced the termination of Title 42 would be on May 23, 2022. Title 42 prevents migrants from entering the country to seek asylum and Ms. Nieman explained that a federal court in Louisiana had issued a temporary restraining order to prevent the termination of Title 42 and said the first court hearing was expected in the coming days. As far as land travel, she explained that proof of full vaccination was still required at ports of entry in order to cross into the country.

3. Team Lead Report:
 - a) Health Focus (Hector Ocaranza, M.D.)

Dr. Hector Ocaranza, Public Health Authority, continued the presentation by noting that the community level and hospitalizations were still low and encouraged everyone to be vigilant and aware of their risk level. He also highlighted that this year, school graduations and celebrations could be held without restrictions in contrast to previous years. Dr. Ocaranza closed by saying that the focus would be on how to monitor community levels established by the CDC and mentioned that one method would be with wastewater surveillance.

4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, closed the presentation by saying the City would shift its focus on pandemic recovery and the continuation of community support by providing ongoing services.

Mayor Leeser and Representative Svarzbein commented.

NO ACTION was taken on this item.

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, the City Council desires to appropriate 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").

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 appropriation of \$115,979,244 of the grant funds from the Coronavirus State and Local Fiscal Recovery Funds 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 health crisis.

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

THAT, the instant and previous appropriations are made in compliance with the Final Rule.

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 and recover from the COVID-19 public health emergency

The following presenters participated in a PowerPoint presentation (copy on file in the City Clerk's Office) and/or responded to questions from Members of the City Council:

- Ms. Nicole Cote, Managing Director, Office of Management and Budget and Purchasing and Strategic Sourcing
- Mr. Mario D'Agostino, Deputy City Manager, Public Safety
- Mr. Sam Rodriguez, Chief Operations Officer
- Assistant Police Chief Peter Pacillas
- Ms. Nicole Ferrini, Director, Community and Human Development and Chief Resilience Officer
- Ms. Araceli Guerra, Managing Director, Internal Services
- Ms. Elizabeth Triggs, Director, Economic and International Development
- Mr. Joel McKnight, Assistant Director, Parks and Recreation
- Mr. Robert Cortinas, Chief Financial Officer
- Ms. Dionne Mack, Deputy City Manager, Quality of Life

The following members of the public commented:

- Mr. Stephen Ian Voglewede
- Ms. Desirae Manzanares
- Ms. Mary Beth Stevens, Better Business Bureau El Paso, submitted a letter that was read into the record by Ms. Laura Prine, City Clerk
- Ms. Lupe Mares, LiftFund, Inc. submitted a letter that was read into the record by Ms. Laura Prine, City Clerk

Mayor Leeser and Representatives Svarzbein, Annello, Hernandez, Salcido, and Lizarraga commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga and carried to **APPROVE** the Resolution

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

NAYS: Representative Annello

ABSENT: Representative Rodriguez

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

1. Vision Block: High Performing Government

a) Goal 5 (Communication)

Goal 6 (Sound Governance)

The following presenters participated in a PowerPoint presentation (copy on file in the City Clerk's Office):

- Carolyn Patrick, Information Technology Assistant Director

- Araceli Guerra, Managing Director of Internal Service

NO ACTION was taken on this item.

.....
5. Presentation and discussion about the progress made in the implementation of the Regional Renewable Energy Advisory Council (RREAC) and its alignment with the City's Strategic and Urban Energy Plans.

The following presenters participated in a PowerPoint presentation (copy on file in the City Clerk's Office) and/or responded to questions from Members of the City Council.

- Ms. Nicole Ferrini, Director, Community and Human Development and Chief Resilience Officer
- Mr. Fernando Berjano, Sustainability Coordinator
- Mr. Cary Westin, Senior Deputy City Manager

Mr. Joshua Simmons, Vice Chair, Regional Renewable Energy Advisory Council, commented.

Representatives Svarzbein and Molinar commented

NO ACTION was taken on this item.

.....
6. Discussion and action on the City of El Paso's legislative agenda for the 88th Regular Session of the Texas State Legislature.

The following presenters participated in a PowerPoint presentation (copy on file in the City Clerk's Office) and/or responded to questions from Members of the City Council.

- Ms. Lindsey Adams, Legislative Liaison, Economic and International Development
- Mr. Snapper Carr, Legislative Attorney

Representatives Svarzbein, Molinar, and Salcido commented.

NO ACTION was taken on this item.

.....
EXECUTIVE SESSION

Motion made by Representative Annello, seconded by Representative Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 1:00 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 executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.074 PERSONNEL MATTERS

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

ABSENT: Representative Rodriguez

Motion made by Representative Molinar, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 3:52 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representative Rodriguez

.....
EX1. Max Grossman Lawsuit v. City of El Paso; Texas Supreme Court, Case No. 21-1105. Matter No. 17-1001-171.001 (551.071)

NO ACTION was taken on this item.

.....
EX2. Application for Approval of Advanced Metering System (AMS) Deployment Plan, AMS Surcharge, and Non-Standard Metering Service Fees, Public Utility Commission of Texas Docket No. 52040. Matter No. 21-1008-168 (551.071)

NO ACTION was taken on this item.

.....
EX3. Contractual matter with federal entity. Matter No. 21-1003-1236 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried, that the City Manager or designee be authorized, in consultation with the City Attorney, to negotiate and execute a Non-Disclosure Agreement with a federal entity

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representative Rodriguez

.....
EX4. Purchase, lease, exchange of real property held by El Paso Water Utilities-PSB. Matter No. 22-1004-1348 (551.072)

NO ACTION was taken on this item.

.....
EX5. Potential economic development opportunities in Northeast El Paso. Matter No. 22-1007-2864 (551.072) (551.087)

NO ACTION was taken on this item.

.....
EX6. Legal consultation regarding the City Attorney and City Manager annual performance evaluations. Matter No. 21-1043-688 (551.071) (551.074)

NO ACTION was taken on this item.

.....
ADJOURN

Motion made by Representative Molinar, seconded by Representative Rivera and unanimously carried to **ADJOURN** the meeting at 3:54 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representative Rodriguez

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk