

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
NOVEMBER 7, 2022
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 9:21 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexandra Annello, Cassandra Hernandez, Isabel Salcido, Claudia Rodriguez, and Henry Rivera. Joe Molinar and Cissy Lizarraga requested to be excused. Early departure: Claudia Rodriguez at 10:54 a.m.
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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)

Ms. Tracey Jerome, Senior Deputy City Manager, began the presentation by stating that the number of new COVID-19 cases remained low however she cautioned that the rise in other viruses such as influenza and respiratory syncytial virus (RSV) posed the need to continue taking precautions to prevent severe illness and hospitalizations. She explained that vaccinations were the best protection against COVID-19 and the flu and reminded the public that the City offers vaccinations and boosters free of charge at the City's clinics.

2. City Attorney Overview (Karla Nieman)

- a. State Disaster Declaration
- b. Emergency Ordinances
- c. Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation
- d. Additional Updates

Ms. Karla Nieman, City Attorney, reported that the State's Disaster Declaration was expected to be renewed on November 18th and highlighted the need to renew the local Emergency Ordinances related to the virus. She did not have any updates related to the mask mandate cases pending in the 4th, 5th and 8th Texas Courts of Appeal although she said the Federal Emergency Declaration had been extended for the next 90 days. Ms. Nieman continued by explaining that the Texas Supreme Court had issued the 57th Emergency Order allowing courts to conduct remote proceedings until January 1, 2023. She ended her portion of the presentation by

stating that three of the five Municipal Courts were requiring in person attendance and provided an update on trial settings related to COVID-19 currently filed in the Municipal Courts.

- 3. Team Lead Report:
 - a. Health Focus (Hector Ocaranza, M.D.)
 - i. COVID-19 update
 - ii. Monkeypox Update
 - iii. Respiratory Infections Update

Dr. Hector Ocaranza, Public Health Authority, continued the presentation by saying that COVID-19 activity remained low however he said that he was keeping a close eye on the situation as things could change rapidly. Dr. Ocaranza explained that there was a sharp increase in RSV cases as reported by pediatricians and local hospitals and said that Influenza A cases were prominent in the community. To stay ahead of severe illness, he recommended vaccinations against COVID-19 and the flu. Dr. Ocaranza stated that Monkeypox cases remained low Statewide and said that 500 vaccination doses had been administered in the area to individuals considered high risk.

- 4. City Manager Wrap-up (Tommy Gonzalez)

Ms. Jerome closed out the presentation by saying that the combination of COVID-19, the flu and RSV viruses could present a strain on the healthcare system if there was a surge in cases. She reminded the community to practice good hygiene and seek vaccinations especially with the upcoming holidays and related travel.

Mayor Leeser commented.

NO ACTION was taken on this item.

2. **ITEMS 2 THROUGH 4 WERE TAKEN TOGETHER**

ORDINANCE NO. 019395

AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019035 EXTENDING A DISASTER DECLARATION DUE TO A PUBLIC HEALTH EMERGENCY

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 13, 2020, the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

WHEREAS, pursuant to El Paso City Code Section 2.48.020(C), a local state of disaster declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of City Council; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, on March 17, 2020, the City Council adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent re-enactment taking place on October 10, 2022; and

WHEREAS, despite local COVID-19 cases continuing to decline, the risk of contracting COVID-19 remains and new variants of the virus are expected to arise; and

WHEREAS, as of October 27, 2022, the number of new COVID-19 active cases reported in El Paso is 87 and the cumulative number is 287,624; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

WHEREAS, Emergency Ordinance No. 019387 which re-enacts Emergency Ordinance No. 019035 is set to expire on November 09, 2022;

WHEREAS, the condition necessitating a declaration of a state of disaster continues to exist.

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

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, 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.

3.

ORDINANCE NO. 019396

AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019036 INSTITUTING EMERGENCY MEASURES, AS RE-ENACTED, RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO. 019151; AND FURTHER RE-ENACTED AND AMENDED BY EMERGENCY ORDINANCE NOS. 019156, 019169, 019191 and 019284; PENALTY AS PROVIDED IN SECTION 8

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, the City Council, pursuant to City Charter Section 3.10, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment, re-statement and amendment taking place on March 16, 2021, and with the most recent re-enactment taking place on October 10, 2022; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, the City Council desires to re-enact Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 16, 2021 through Emergency Ordinance No. 019151, as further re-enacted and amended on March 29, 2021 through Emergency Ordinance No. 019156, as further re-enacted and amended on April 26, 2021 through Emergency Ordinance No. 019169, as further re-enacted and amended on May 24, 2021 through Emergency Ordinance No. 019191, as further re-enacted and amended on January 31, 2022 through Emergency Ordinance No. 019284, which shall remain in effect for thirty days or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and as further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, is hereby re-enacted.
2. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner.
3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

4. **AN EMERGENCY ORDINANCE 019397 RE-ENACTING EMERGENCY ORDINANCE NO. 019241; ALLOWING TEMPORARY USES ON THE PUBLIC RIGHT OF WAY AND PRIVATE PROPERTY BY SUSPENDING VARIOUS CITY ORDINANCES; PENALTY AS PROVIDED IN SECTION 6.**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035, with the most recent re-enactment taking place on October 10, 2022; and

WHEREAS, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on October 19, 2022; and

WHEREAS, El Paso City Charter Section 3.10 allows City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, the El Paso City Council desires to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities; and

WHEREAS, on October 11, 2021, City Council enacted an Emergency Ordinance Instituting Emergency Measures to Allow Temporary Uses on the Public Right of Way and Private Property by Suspending Various City Ordinances ("**Emergency Ordinance No. 019241**"); and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, City Council re-enacted Emergency Ordinance No. 019241, with the most recent re-enaction taking place on October 10, 2022 (Ord. No.019389) ("**Re-enacting Ordinance**"); and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, City Council desires to re-enact its October 11, 2021, Emergency Ordinance No. 019241, which shall take effect immediately, and remain in effect until

December 7, 2022 until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. That Emergency Ordinance No. 019241, is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the 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.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Anello, and unanimously carried to **ADOPT** the Emergency Ordinances.

AYES: Representatives Svarzbein, Anello, Hernandez, Salcido, Rodriguez, and Rivera

NAYS: None

ABSENT: Representatives Molinar and Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinances.

5. Formal Report of the Financial Oversight and Audit Committee meeting held on October 20, 2022.

1. Discussion and Action on the Update to the City of El Paso’s Debt Policy
 - Motion made by Representative Hernandez, second by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to accept the Update to the city of El Paso’s Debt Policy.
2. Discussion and Action on FY 2021-2022 Audit Plan 4th Quarter Updates.
 - Motion made by Representative Lizarraga, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to accept the 4th Quarter Update.
3. Discussion and Action on the City of El Paso Internal Audit Charter
 - Motion made by Representative Hernandez, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to approve the City of El Paso Internal Audit Charter.
4. Discussion and Action to include an audit or review in the 2022-2023 Audit Plan of the expenditures related to the Migrant Humanitarian Crisis Response.
 - Motion made by Representative Lizarraga, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to approve an audit or review in the 2022-2023 Audit Plan of the expenditures related to the Migrant Humanitarian Crisis Response.
5. Discussion and Action on the FY 2022-2023 Annual Internal Audit Plan

- Motion made by Representative Lizarraga, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to approve the FY 2022-2023 Annual Internal Audit Plan.

6. Discussion on Client Surveys.

Mr. Edmundo Calderon, Chief Internal Auditor, provided an overview of on the items discussed during the October 20, 2022 meeting.

NO ACTION was taken on this item.

6.

ORDINANCE NO. 019398

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

WHEREAS, on April 1, 2022, the Centers for Disease Control and Prevention (“CDC”) announced the repeal of the Public Health Services Act, 42 U.S.C. §265 (“Title 42”), which was expected to allow for the inflow of migrants from the southern border; and

WHEREAS, federal litigation ensued to enjoin the CDC from repealing Title 42 on the intended date of May 23, 2022; and

WHEREAS, on June 30, 2022, a United States Supreme Court ruling allowed the President to end the Migrant Protection Protocols, which would allow for the inflow of migrants from the southern border; and

WHEREAS, the Southwest had 207,597 land border encounters in the month of September, 2022; and

WHEREAS, the El Paso sector of CBP had 49,030 land border encounters in the month of September, 2022 and a total of 307,844 encounters for federal fiscal year 2022; and

WHEREAS, when the City faced a migrant surge in March of 2019, the Annunciation House, a local non-governmental organization (“NGO”), was able to establish over thirty hospitality sites throughout the El Paso region, versus today’s fifteen hospitality sites; and

WHEREAS, the primary challenge is that the NGO does not have the volunteer base to sustain or increase current capacity at its current hospitality sites (ten in El Paso, Texas, three in Las Cruces, New Mexico, one in Deming, New Mexico, and another in Albuquerque, New Mexico); and

WHEREAS, although NGO volunteer recruitment efforts will continue, it is not anticipated that the volunteer base will keep up with the current demand, despite the NGO having identified additional facilities that could receive migrants; and

WHEREAS, when the U.S. Customs and Border Protection's ("CBP") Central Processing Center is over capacity and NGO space is unavailable, that is when the potential for street releases arises; and

WHEREAS, on May 15, 2022, the federal authorities released 119 single adults on the downtown streets of the City of El Paso; and

WHEREAS, in response to the May 15, 2022, street release, the El Paso City-County Office of Emergency Management ("OEM") reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO's largest hospitality site; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity with over 40 staff currently assigned; 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, OEM continues to provide COVID-19 isolation and quarantine hotel support to migrant shelters, expanding operations when outbreaks occur in congregate shelter facilities; and

WHEREAS, OEM has provided isolation and quarantine services to over 2,708 migrants in close coordination with NGOs since April 2020; and

WHEREAS, although Title 42 remains in place as a result of the federal litigation, the number of Border Patrol encounters remains high, averaging 1,500 per day; and

WHEREAS, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of

unsponsored single adults from Venezuela, resulting in over 1,000 street releases by CBP; and

WHEREAS, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City's Migrant Welcome Center, was over 1,000 on a daily basis; and

WHEREAS, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance providing services to over 19,300 migrants through October 20, 2022, and

WHEREAS, there was over 40,000 community releases to local NGOs and the City during this period; and

WHEREAS, the City's Welcome Center has sponsored 294 charter buses with 13,900 unsponsored migrants aboard to New York City and Chicago as final destinations; and

WHEREAS, Sun Metro buses have transported upwards of 4,800 migrants to the El Paso International Airport, bus stations, the Welcome Center, and shelters; and

WHEREAS, the City has provided over 39,000 meals to migrants at the local facilities, and for travel aboard the outbound charter buses; and

WHEREAS, October 12, 2022, the Department of Homeland Security created a humanitarian immigration pathway giving 24,000 Venezuelan migrants advanced authorization to enter and stay in the country for a period of two years; and

WHEREAS, although the number of Venezuelan migrants has dropped significantly since implementation of the DHS policy, the number of encounters at the border remains high averaging over 1,500 per day and the number of CPB/ICE community releases remains high at 300-600 releases on a daily basis; 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 wave of migration, including but not limited to the risk to 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 during an ongoing global pandemic; and

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

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

WHEREAS, the potential encampment of large groups of migrants on City rights of way and parks poses safety risks to migrants and citizens alike; and

WHEREAS, in awaiting the due support of the federal government, 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 order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, OEM and the City will continue to prepare and evaluate the need for mass emergency sheltering in anticipation of the eventual repeal of Title 42 and other regional migration surges that may impact the El Paso region; and

WHEREAS, this Ordinance shall remain in effect until otherwise terminated, re-enacted, or superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, or state or federal law.

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.

Motion made by Representative Annello, seconded by Representative Hernandez, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

ABSENT: Representatives Molinar and Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinance.

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7. **ITEM:** Presentation, discussion and action by the City Manager’s Office and Office of Emergency Management providing information on key activities, efforts, and processes related to the migrant crisis.

RESOLUTION

WHEREAS, on May 19, 2022 the Mayor of the City of El Paso issued an Emergency Ordinance due to a new wave of migration through the City of El Paso (“Ordinance 019333”); and

WHEREAS, on September 1, 2022, the City entered into Agreement 2023-0231 Migrant Meals (“Agreement”) with the Salvation Army to provide food services for migrants; and

WHEREAS, the Agreement was executed under the authority of Emergency Ordinance 019333, § 252.022(a)(1) of the Texas Local Government Code, and § 252.022(a)(2) of the Texas Local Government Code; and

WHEREAS, as of October 15, 2022 the City has expended \$57,776 under the 2023-0231 Migrant Meals Agreement; and

WHEREAS, the parties now desire that City Council ratify the expenditure of \$57,776 associated with 2023-0231 Migrant Meals and to amend the term of the Agreement to a total of (15) months, and increasing the total amount of the Agreement to not exceed \$100,000 from September 1, 2022 to December 31, 2023.

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

That the City Council ratify the expenditure of \$57,776 associated with the 2023-0231 Migrant Meals Agreement with the Salvation Army for food services; to amend the term of the Agreement for a total of (15) months; and to increase the total amount of the Agreement to not exceed \$100,000. This agreement will provide food for migrants as needed.

Ms. Tracey Jerome, Senior Deputy City Manager, introduced the item.

The following staff members presented a PowerPoint presentation (copy on file in the City Clerk’s Office) and responded to questions.

- Assistant Fire Chief Jorge Rodriguez
- Ms. Nicole Cote, Managing Director of Office of Management and Budget and Purchasing and Strategic Sourcing
- Retired Fire Chief Mario D’Agostino, Deputy City Manager of Public Safety

Some of the highlights in the presentation included the increase of 700+ migrants crossing into the City on a daily basis with over 21,000 migrant crossings during the month of October and the continuation of collaborative efforts with community partners to assist with the mass migration situation.

Mayor Leeser and Representative Svarzbein commented.

Motion made by Representative Annello, seconded by Representative Svarzbein, and carried to **APPROVE** the Resolution

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

NAYS: Representative Rodriguez

ABSENT: Representatives Molinar and Lizarraga

8.

R E S O L U T I O N

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

THAT the Mayor of El Paso be authorized to sign a Memorandum of Understanding with the City of Juárez, Chihuahua, México, FSX, LLC and its subsidiary, Transbordador de Carga, to explore the development and implementation of a new technology for the movement of cargo through the port of Ysleta-Zaragoza. Further, that the City Manager, or designee, is authorized to exercise all rights under the memorandum, perform all obligations under the memorandum, and sign any amendments to the memorandum.

Mr. David Coronado, Managing Director, International Bridges and Economic Development Departments, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and responded to questions.

Dr. Stephen Roop, Chief Executive Officer, Freight Shuttle Xpress (FSX), commented.

Mayor Leeser and Representatives Svarzbein, Annello, Hernandez, Rodriguez, and Rivera commented.

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

AYES: Representatives Svarzbein, Annello, Hernandez, and Rivera

NAYS: Representative Rodriguez

NOT PRESENT FOR THE VOTE: Representative Salcido

ABSENT: Representatives Molinar and Lizarraga

9.

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

Ms. Lindsey Adams, Legislative Liaison, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Guadalupe Cuellar Legislative Attorney, commented.

Representatives Svarzbein and Rivera commented.

Motion made by Representative Annello, seconded by Representative Svarzbein, and unanimously carried to **APPROVE** the additions to the City of El Paso's State Legislative Agenda for the Texas 88th Legislative Session as presented by City Staff.

- Add **Affordable Housing** Section:
 - **Support** legislation that prioritizes viable/feasible transactions for 4% Low Income Housing Tax Credit (LIHTC) Applications.
 - **Support** legislation that would repeal the two mile/same year rule for low income housing tax credits or allow municipalities to approve a waiver of the rule.

- **Support** legislation that would limit Housing Finance Corporations to operate only within the municipal city limits.
- Add to **Transportation** Section:
 - **Support** expanded uses of the State Highway Fund to support multimodal transportation projects for urban communities.
 - Support legislation that allows municipalities to reduce the prima facie speed limit on residential streets to 25 MPH without having to perform an engineering or traffic investigation.

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

NAYS: None

NOT PRESENT: Representative Rodriguez

ABSENT: Representatives Molinar and Lizarraga

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EXECUTIVE SESSION
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Motion made by Representative Annello, seconded by Representative Salcido, and carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:23 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:

Section 551.071 CONSULTATION WITH ATTORNEY

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representatives Molinar and Lizarraga

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** the Executive Session at 12:28 p.m. and **RECONVENE** the meeting of the City Council. at which time a motion was made:

AYES: Representatives Svarzbein, Hernandez, Salcido, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Rodriguez

ABSENT: Representatives Molinar and Lizarraga

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EX1. Claim of Norma Alvarado. Matter No. 22-1036-3634 (551.071)
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Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried that the City Attorney's Office, in consultation with the City Manager, be authorized to **DENY** the claim of Norma Alvarado in Matter Number 22-1036-3634, in its entirety.

AYES: Representatives Hernandez, Salcido, and Rivera

NAYS: Representative Svarzbein

NOT PRESENT FOR THE VOTE: Representatives Annello and Rodriguez

ABSENT: Representatives Molinar and Lizarraga
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EX2. Texas Gas Service Company, A Division of One Gas Inc., Application to Increase Gas Utility Rates. Matter No. 22-1008-198 (551.071)

NO ACTION was taken on this item.

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EX3. Application of El Paso Electric Company to Change Rates to Open Access Transmission Tariff. Federal Energy Regulatory Commission (FERC); Docket No. ER22-282-000. Matter No. 21-1008-183 (551.071)

NO ACTION was taken on this item.

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EX4. Application of El Paso Electric Company to Change Rates. Public Utility Commission of Texas Docket No. 52195. Matter No. 21-1008-174 (551.071)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Salcido seconded by Representative Hernandez and unanimously carried to **ADJOURN** the meeting at 12:30: p.m.

AYES: Representatives Svarzbein, Hernandez, Salcido, and Rivera.

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Rodriguez.

ABSENT: Representatives Molinar and Lizarraga

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk