

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
February 14, 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 9:44 a.m. The following Council Members answered roll call: Aleksandra Annelo, Joe Molinar, Isabel Salcido, Claudia Rodriguez, and Henry Rivera. Cassandra Hernandez and Cissy Lizarraga participated via videoconference. Late arrival: Peter Svarzbein at 12:38 p.m. Early Departure: Aleksandra Annelo at 12:45 p.m. Mayor Oscar Leeser requested to be excused.
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AGENDA

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NOTE: Election of Alternate Mayor Pro Tempore for this meeting was required due to the absence of the Mayor Leeser, the late arrival of Mayor Pro Tempore Svarzbein and virtual participation by Alternate Mayor Pro Tempore Lizarraga.
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Motion made by Representative Molinar, seconded by Representative Rodriguez, and unanimously carried to **ELECT** Representative Aleksandra Annelo as the Alternate Mayor Pro Tempore.

AYES: Representatives Annelo, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Peter Svarzbein
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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)

Mr. Tommy Gonzalez, City Manager, began the presentation by noting the decline in new cases and said hospitalizations were down by 37%. He continued by saying that COVID cases attributed to 15% of hospital capacity and stated that the current 20% positivity rate was higher than it was during the fall of 2020. Mr. Gonzalez explained that local vaccination rates remained high and were in line with the State of Texas and higher than the national rate. He ended the overview by encouraging the public to visit the City clinics for testing and vaccinations and provided appointment information.

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 and briefed Council on an upcoming Texas Supreme Court opinion related to Dallas and San Antonio COVID related cases. Ms. Nieman mentioned that Municipal Court jury trials were set to resume on February 15, 2022 and said that the COVID national emergency continues along with the need to renew the City's emergency ordinances.

3. Team Lead Report:

- a) Health Focus (Hector Ocaranza, M.D.)
- b) Workforce Focus (Robert Cortinas)

Dr. Hector Ocaranza, Public Health Authority, highlighted a sharp improvement in the number of hospitalizations and new cases with a decline of 30% and 78% respectively. He continued to recommend that people obtain a booster dose of the vaccine to prevent hospitalizations and death.

Mr. Robert Cortinas, Chief Financial Officer, continued the presentation by discussing the effect of COVID-19 on City staffing and noted the impact to services due to supply chain issues, staff turnover, and an increase in overtime hours.

The following City staff members responded to questions posed by Members of the City Council:

- Ms. Angela Mora, Public Health Director
- Fire Chief Mario D'Agostino

4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, wrapped up the presentation by commenting on service impacts to citizens and the increase in positivity rates from November 2020. He provided information on pay rate adjustments to aid with the City's recruitment efforts and reminded all that diminishing immunity will have a great impact and will result in a surge of cases again.

Representatives Annello and Rivera commented.

NO ACTION was taken on this item.

2. Presentation and update from The Hospitals of Providence on key activities and efforts in support of a healthy, sustainable community.

Motion made by Representative Annello, seconded by Representative Molinar, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the agenda.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Peter Svarzbein

Mr. Nicolas Tejeda, Chief Executive Officer for the Hospitals of Providence, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello and Molinar commented.

NO FURTHER ACTION was taken on this item.

3. **For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on February 8, 2022.**

1. Discussion and Action on FY 2021-2022 Audit Plan 1st Quarter Updates

- Motion made by Representative Salcido, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to accept the 1st Quarter Update.

2. Discussion on Client Surveys.

Mr. Edmundo Calderon, Chief Internal Auditor, provided an overview of on the items discussed during the October 21, 2021 meeting.

Representatives Annelo commented.

NO ACTION was taken on this item.

4. **Presentation on El Paso Electric rate case and City of El Paso's position to minimize the impact to residential ratepayers.**

Ms. Karla Nieman, City Attorney, and Ms. Elizabeth Triggs, Economic and International Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Tommy Gonzalez, City Manager, commented.

Representative Hernandez commented.

NO ACTION was taken on this item.

5. **Presentation and discussion by Emergence Health Network of their 2021 annual report on activities, collaborations, and partnerships with local entities.**

Motion made by Representative Annelo, seconded by Representative Rodriguez, and unanimously carried and unanimously carried to **MOVE** the item to the **FOREFRONT** of the agenda.

AYES: Representatives Annelo, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Peter Svarzbein

Ms. Kristen Daugherty, Emergence Health Network Chief Executive Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office.)

Representatives Annelo, Hernandez, Molinar, Salcido and Rivera commented.

NO FURTHER ACTION was taken on this item.

The meeting was **RECESSED** at 11:21 p.m. for a lunch break.

The meeting was **RECONVENED** at 12:25 p.m.

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EXECUTIVE SESSION

Motion made by Representative Molinar, seconded by Representative Rivera, and carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:28 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 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Svarzbein

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 3:03 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Annello

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EX1. Adrian Medina and Ana McElhinny v. City of El Paso. Matter No. 16-1026-7712 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney and the City Manager be **AUTHORIZED** to consent to the negotiated settlement and resolve the case entitled *Ana McElhinny and Adrian Medina v. City of El Paso, Texas; Cause No. 2016DCV2911*.

In addition, the City Attorney is authorized to sign all necessary documents to effectuate this authority under Matter No. 16-1026-7712.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Annello

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EX2. Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195. Matter No. 21-1008-174 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried to **DIRECT** the City Manager to communicate with the respective principals of the entities which comprise the Rate 41 group and other parties to the Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195 (Rate Case) to express City Council's prioritization of providing fairness and relief to residential ratepayers while strongly opposing the subsidization of public entities' rate amount at the expense

of our residential ratepayers; as part of the on-going proceedings, including and not limited to upcoming mediation proceedings associated with the Rate Case.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Anello

EX3. Potential acquisition and lease of property located near the El Paso International Airport East of Global Reach Dr. Matter No. 20-1003-1079 (551.071) (551.072)

Motion made Mayor Pro Tempore Svarzbein, seconded by Representative Salcido and unanimously carried that the City is **AUTHORIZED** to purchase well 506A ("Well") located on El Paso International Airport property, municipally known as 1858 Cottonwood Drive, and to construct an additional line for that well. In addition, this Motion grants City Manager the authority to execute all necessary documents in consultation with the City Attorney to effectuate the transfer of the Well from the El Paso Water Utility system to the City.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Anello

EX4. Potential sale/purchase, exchange, lease, or value of real property located in Northeast El Paso. Matter No. 22-1009-1131(551.071)

Ms. Josette Flores, Senior Assistant City Attorney, commented.

NO ACTION was taken on this item.

EX5. Economic Incentives for an Infill Development located in Central El Paso. Matter No. 22-1007-2854 (551.071) (551.087)

NO ACTION was taken on this item.

EX6. Economic Incentives for an Infill Development located in Central El Paso. Matter No. 22-1007-2855 (551.071) (551.087)

NO ACTION was taken on this item.

EX7. Economic Incentives for an Infill Development located in Downtown El Paso. Matter No. 21-1007-2832 (551.071) (551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried, that the City Manager or designee be **AUTHORIZED**, in consultation with the City Attorney, to approve the present term sheet*. A formal commitment through Chapter 380 Agreement to follow in March.

*Exhibit A (Term sheet) on file in the City Clerk's Office.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

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The Work Session was **RECESSED** at 3:12 p.m. on February 14, 2022.

The Work Session was **RECONVENED** at 10:22 a.m. on **February 15, 2022** to take Item **EX8**. with Representatives Svarzbein, Annello, Molinar, Salcido, and Rivera present in Council Chambers, and Representatives Hernandez and Lizarraga via videoconference. Mayor Leeser and Representative Rodriguez were absent.

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EX8. Economic Incentives for a Manufacturing Company located in the City of El Paso. Matter No. 21-1007-2820 (551.071) (551.087)

Mayor Pro Tempore Svarzbein commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried, to **APPROVE** a term sheet* for an incentive of \$1,477,000 for expansion of Schneider Electric for approximately 400 jobs.

*Exhibit A (Term sheet) on file in the City Clerk's Office.

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

NAYS: None

ABSENT: Representative Rodriguez

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EX9. Discussion and action regarding the potential purchase/sale or value of real property located in West El Paso. Matter No. 20-1004-1140 (551.071)

NO ACTION was taken on this item.

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EX10. Discussion regarding the use of a standardized nondisclosure agreement for potential economic development opportunities. Matter No. 22-1007-2850 (551.071) (551.087)

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 sign at any time a Mutual Confidentiality, Non-Disclosure, and Non-Compete Agreement between the City of El Paso, Texas and interested companies.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

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ADJOURN

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Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello and unanimously carried to **ADJOURN** the February 14, 2022 Work Session on **February 15, 2022** at 10:26 a.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: None

ABSENT: Representative Rodriguez

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk