

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
ALEXSANDRA ANNELLO, 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
MARCH 27, 2023
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 9:36 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales. Alessandra Annello requested to be excused.

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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)

Mr. Tommy Gonzalez, City Manager, introduced the item and provided a brief update on the current status of the pandemic in the community. He explained that although the number of COVID-19 cases and other respiratory illnesses remained low, the City would continue to offer testing and vaccinations at City 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, continued the presentation with a PowerPoint presentation (copy on file in the City Clerk's Office) and stated that the State's disaster declaration was expected to be renewed by April 15 which would require the City to extend the local emergency ordinances related to the pandemic. As far the City's pending mask mandate litigation, Ms. Nieman explained that the 8th Court of Appeals had affirmed the previous ruling stating the Governor had responded beyond his authority. She added that the State could still appeal the recent decision. Ms. Nieman closed her presentation by stating that there were several bills pending at the State legislature associated with the pandemic and provided an update on the pending COVID-19 related cases filed with the Municipal Courts.

3. Team Lead Report:

- a) **Health Focus (Hector Ocaranza, M.D.)**
 - i-**COVID-19**
 - ii-**Influenza**
 - iii- **RSV Update**

Dr. Hector Ocaranza, Health Director, continued the presentation by recommending that the community continue to practice safety protocols to avoid serious illness associated with the COVID-19 virus. He urged individuals with chronic conditions to assess their individual risk and seek medical attention if necessary. Dr. Ocaranza stated that the community risk level was at a current “low” status and reminded the public that the City continued to offer services at the various COVID-19 clinics

4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, concluded the presentation by explaining that the City had purchased facilities to support ongoing COVID-19 concerns while adding that the virus was still active in the community and recommended that citizens obtain boosters to avoid serious illness.

Mayor Leeser and Representative Molinar commented.

NO ACTION was taken on this item.

2.

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ITEMS 2 THROUGH 4 WERE TAKEN TOGETHER

ORDINANCE NO. 019445

**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 February 27, 2023; 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 March 13, 2023, the number of new COVID-19 active cases reported in El Paso is 152 and the cumulative number is 312,895; 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.019438 which re-enacts Emergency Ordinance No. 019035 is set to expire on March 29, 2023;

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. 019446

**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 February 27, 2023; 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.

ORDINANCE NO. 019447

**AN EMERGENCY ORDINANCE
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 February 28, 2023; and

WHEREAS, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on February 14, 2023; 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 February 28, 2023 (Ord. No. 019440) ("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 April 27, 2023 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 Representative Hernandez, seconded by Representative Molinar, and unanimously carried to **ADOPT** the Emergency Ordinances.

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

NAYS: None

ABSENT: Representative Annelo

Mayor Leeser consented to the adoption of the Emergency Ordinances.

5.

ORDINANCE NO. 019448

**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 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, Title 42 was struck down by a federal court with the parties agreeing that the injunction would end on December 21, 2022; and

WHEREAS, on December 27, 2022 the United States Supreme Court issued an order allowing the injunction to remain in place until further review of the case could be carried out; and

WHEREAS, the Biden administration has announced the end of the COVID-19 public health emergency on May 11, 2023 possibly ending all use of Title 42 as a mechanism to control the border; and

WHEREAS, the Southwest had 128,410 land border encounters in the month of January, 2023; and

WHEREAS, the El Paso sector of CBP had 29,719 land border encounters in the month of January, 2023 and a total of 762,383 encounters for federal fiscal year 2023; and

WHEREAS, in the month of March 2023, approximately 1,400 migrants have been arriving weekly; 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, CBP has released many migrants onto downtown streets leaving many migrants without shelter; and

WHEREAS, in response to the street releases, 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, 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 were over 40,000 community releases to local NGOs and the City during this period; and

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

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

WHEREAS, the City provided over 39,000 meals to migrants at the local facilities, and for travel aboard the outbound charter buses; 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, in response to the number of migrants arriving at the border, on January 5, 2023, the Department of Homeland Security created a humanitarian parole program for migrants from Cuba, Haiti, and Nicaragua similar to the program already available to Venezuelans; and

WHEREAS, on January 8, 2023, President Biden visited the border to assess the situation in part because the number of migrants has gained the attention of the media and national leadership; 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, on March 12, 2023, border officials barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge due to rumors about the relaxation of immigration restrictions circulated on social media sites; 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 Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operation of 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, EPIA in recent past, became saturated with migrants awaiting air travel and could need 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 4 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, parks and other City property 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, 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.

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.

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

- Assistant Fire Chief Jorge Rodriguez
- Ms. Nicole Cote, Managing Director of the Office of Management and Budget and Purchasing and Strategic Sourcing

Mr. Tommy Gonzalez, City Manager and Chief Mario D'Agostino, Deputy City Manager for Public Safety commented.

Mayor Leeser and Representatives Hernandez and Salcido commented.

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

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

NAYS: None

ABSENT: Representative Annello

Mayor Leeser consented to the adoption of the Emergency Ordinance.

6. **Presentation and discussion of Veterans Affairs Advisory Committee Semi-Annual Report.**

The following members of City staff and Veterans Affairs Advisory Committee members presented a PowerPoint presentation (copy on file in the City Clerk's Office):

- Mr. Paul Albright, Military Program Administrator
- Mr. Jerry Jacobitz, Veterans Program Coordinator
- Ms. Melissa Harcrow, Committee Chair
- Mr. Bruce Biegel, Committee Member
- Mr. Jonathan Bohannon, Committee Vice-Chair
- Mr. Rodney Washington, Committee Member

Mayor Leeser and Representatives Kennedy, Hernandez, Molinar, Salcido, and Canales commented.

Mr. Tommy Gonzalez, City Manager, commented.

Mr. Brian Kanof, member of the Veterans Affairs Advisory Committee commented.

Ms. Lisa Turner, citizen, commented

NO ACTION was taken on this item.

7. **Update regarding the search process for the Police Chief.**

Mr. Tommy Gonzalez, City Manager, introduced the item.

Chief Mario D'Agostino, Deputy City Manager of Public Safety and Support Services, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Hernandez, Salcido and Rivera commented.

NO ACTION was taken on this item.

8 For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on March 6, 2023.

1. Selection of the FOAC Chairperson.
 - Representative Brian Kennedy was elected by the Committee.
2. Discussion and Action on the City of El Paso Internal Audit Charter.
 - Motion made by Representative Molinar, seconded by Representative Fierro and approved by Representative Kennedy, Representative Fierro and Representative Molinar to approve the City of El Paso Internal Audit Charter.
3. Discussion and Action on External Audit Results for Fiscal Year 2022.
 - Motion made by Representative Fierro, seconded by Representative Molinar and approved by Representative Kennedy, Representative Anello, Representative Fierro and Representative Molinar to approve the audit results for presentation to full City Council.
4. Discussion on External Quality Assurance Review (Peer Review).
5. Discussion on the results of the Franchise Fee Audits.
6. Discussion and Action to include an audit or review in the FY 2022-2023 Audit Plan of Ford Contract Numbers: 2023-0165 Police Motorcycle Part, Service and Maintenance; 2023-0239 Ford Proprietary Parts and Service.
 - Motion made by Representative Anello, seconded by Representative Molinar and approved by Representative Kennedy, Representative Anello, Representative Fierro and Representative Molinar to approve an audit or review in the 2022-2023 Audit Plan of Ford Contract Numbers.
7. Discussion and Action on FY 2022-2023 Audit Plan 1st Quarter Updates.
 - Motion made by Representative Anello, seconded by Representative Molinar and approved by Representative Kennedy, Representative Anello, Representative Fierro and Representative Molinar to accept the 1st Quarter Update.
8. Discussion on Client Surveys.

Mr. Edmundo Calderon, Chief Internal Auditor, provided an overview of on the items discussed during the March 6, 2023 meeting.

Mayor Leeser commented.

NO ACTION was taken on this item.

9. Presentation and discussion providing a preview of the 2023 Goal Team reporting series and an update from the following Goal Teams:

1. Vision Block: Safe and Beautiful Neighborhoods:
 - a. Goal 2 (Safe and Secure City)

Fire Chief, Jonathan Killings
Assistant Chief, Zina Silva

- b. Goal 7 (Infrastructure)
City Engineer, Yvette Hernandez
- c. Goal 8 (Healthy, Sustainable Community)
Chief Transit and Field Operations Officer, Ellen Smyth

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

- Ms. Julie Baldwin, Chief Transformation Officer
- Fire Chief Jonathan Killings
- Assistant Police Chief Zina Silva
- Ms. Yvette Hernandez, City Engineer
- Ms. Ellen Smyth, Chief Transit and Operations Officer

Representatives Hernandez, Salcido, Fierro, and Canales commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Nicole Ferrini, Climate and Sustainability Officer
- Mr. Richard Bristol, Streets and Maintenance Director

NO ACTION was taken on this item.

10. Presentation, discussion, and action on the 88th Regular Session of the Texas State Legislature.

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

Representatives Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Lupe Cuellar, Legislative Attorney
- Ms. Karla Nieman, City Attorney
- Mr. Ian Voglewede, Strategic Partnerships Officer

Mr. Snapper Carr, Legislative Attorney from Focused Advocacy, commented.

1ST MOTION

Motion made by Representative Canales, seconded by Representative Kennedy, and carried to **OPPOSE** Electric Vehicle Fees Analysis bills related to multiple levels of fees.

AYES: Representatives Kennedy, Salcido, Fierro, and Canales
NAYS: Representatives Hernandez, Molinar and Rivera
ABSENT: Representative Annello

2ND MOTION

Motion made by Representative Kennedy, seconded by Representative Molinar, and carried to **OPPOSE** Police Department Reform Bills related to the removal of qualified immunity, police officer liability insurance, crowd control, and anything that contradicts current El Paso Police Department policy.

AYES: Representatives Kennedy, Hernandez, Molinar, Salcido, Fierro, and Rivera
NAYS: Representative Canales
ABSENT: Representative Annello

3RD AND FINAL MOTION

Motion made by Representative Fierro, seconded by Representative Rivera, and carried to **SUPPORT** utility ownership of Electric Vehicle charging stations and **OPPOSE** bills that would prohibit this.

AYES: Representatives Kennedy, Molinar, Fierro, Rivera, and Canales
NAYS: Representatives Hernandez and Salcido
ABSENT: Representative Annello

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EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:03 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 Kennedy, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None
ABSENT: Representative Annello

Note: Representative Hernandez was not present in executive session.

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **ADJOURN** the Executive Session at 4:25 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made:

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

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EX1. Macias, Patricia A; Matter No. 23-1036-3681 (551.071)

Motion made by Representative Rivera, seconded by Representative Kennedy, and unanimously carried that the City Attorney's Office be authorized to **DENY** the claim of *Macias, Patricia*; DOI 12/10/2022, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro

ABSENT: Representative Annello

EX2. Cangialosi, Joanna, et al v. City of El Paso. Matter No. 18-1026-9235 (551.071)

NO ACTION was taken on this item.

EX3. Connie Patterson Jimenez v. City of El Paso. Matter No. 21-1039-1930 (551.071)

Motion made by Representative Kennedy, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to participate in settlement negotiations in the matter *Connie Patterson Jimenez v.v. City of El Paso*, Cause No. 2020DCV3389, in Pro Law Matter No. 21-1039-1930, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority, should a settlement be reached in the case,

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro

ABSENT: Representative Annello

EX4. City of El Paso v. Greg Abbott; Matter No. 21-1001-305 (551.071)

NO ACTION was taken on this item.

EX5. United States of America vs. City of El Paso, Texas; United Road Towing, Inc. D/B/A UR Vehicle Management Solutions; and Rod Robertson Enterprises, Inc. Matter No. 20-1026-10714 (551.071)

NO ACTION was taken on this item.

EX6. Application of El Paso Electric Company to Change Rates for Rate Schedule No. 11, Time-of-Day Municipal Pumping Service, to Correct an Error, Public Utility Commission of Texas Docket No. 54476. Matter No. 22-1008-203 (551.071)

Motion made by Representative Rivera, seconded by Representative Kennedy, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to approve the Proposed Agreed Order and approve the Petition to Change Rates in the *El Paso Electric Company – Petition to Change Municipal Pumping Rate*, under the Texas Public Utility Commission, Docket No. 54476, effective April 17, 2023, in Matter Number 22-1008-203, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

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EX7. 2023 TGS Annual Gas Reliability Infrastructure Program ("GRIP") Application for Annual Interim Rate Adjustment. High Q - UTILITY-4 (551.071)

Motion made by Representative Kennedy, seconded by Representative Molinar, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to hire and retain outside counsel and any other necessary consultants, and to suspend the implementation of the Interim Rate Adjustment for an additional forty-five (45) days after the effective date, as provided by subsection (a) of Section 104.301 of the Texas Utilities Code in the *Texas Gas Service – Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment*, filed on March 10, 2023, in Matter Number UTILITY-4, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

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EX8. Villegas, Daniel v. City of El Paso, et al. Cause No. 3:15-CV-00386. Matter No. 15-1026-6957 (551.071)

NO ACTION was taken on this item.

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EX9. Discussion on potential economic development opportunities in Northeast El Paso. Matter No. 22-1007-2864 (551.072)(551.087)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Rivera, seconded by Representative Molinar and unanimously carried to **ADJOURN** the meeting at 4:32 p.m.

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

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk