

OSCAR LEESER  
MAYOR

CARY WESTIN  
INTERIM 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**  
**August 14, 2023**  
**COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY**  
**9:10 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 9:40 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Annello, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales. Late Arrival: Cassandra Hernandez at 9:49 a.m. Early departures: Cassandra Hernandez at 10:30 a.m. and Isabel Salcido at 4:15 p.m.

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**AGENDA**  
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**ITEMS 1 AND 2 WERE TAKEN TOGETHER**  
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**1. ORDINANCE 019529**

**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 would ease immigration restrictions that will make it easier to enter the United States; and

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

**WHEREAS**, on the eve of the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,000 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

**WHEREAS**, the Southwest had 499,545 land border encounters in the month of June, 2023; and

**WHEREAS**, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 13,229 land border encounters in the month of June, 2023 and a total of 347,629 encounters for federal fiscal year 2023; and

**WHEREAS**, when the CBP Central Processing Center is over capacity and the non-governmental organizations (NGOs) 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 the month of July 2023, approximately 2,100 migrants have been released into the community weekly; 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; 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**, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

**WHEREAS**, 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 and meals to over 19,300 migrants through October 20, 2022, 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; 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 the El Paso International Airport ("EPIA") and to ensure that those operations are conducted in compliance with the rules and regulations regarding airports under Title 14 of the Code of Federal Regulations, Chapter 22 of the Texas Transportation Code, and Title 14 of the El Paso City Code, as well as federal, state, and local health and safety regulations to ensure the health, safety, and welfare of all occupants and travelers making use of EPIA facilities; and

**WHEREAS**, 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 encampment of large groups of migrants on City rights of way, parks and other City property has led to street closure and cessation of the streetcar service; and

**WHEREAS**, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

**WHEREAS**, in 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 have and will continue to prepare and evaluate the need for mass emergency sheltering thanks to the expiration of Title 42 and other regional migration surges that may impact the El Paso region; and

**WHEREAS**, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

**WHEREAS**, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

**WHEREAS**, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

**WHEREAS**, this Ordinance shall remain in effect until otherwise terminated, re-enacted, superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, state or federal law, or repealed automatically as of the 31<sup>st</sup> 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.

2.

**ORDINANCE 019530**

**AN EMERGENCY ORDINANCE  
EXTENDING EMERGENCY ORDINANCE NO. 019485 DUE TO  
A HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS  
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

**WHEREAS**, on May 8, 2023, the El Paso City Council passed Emergency Ordinance No. 019485 "Due to a Humanitarian, Security, and Economic Crisis Resulting from a Mass Migration through the City of El Paso (the "City")"; and

**WHEREAS**, for federal fiscal year 2023, Southwest encounters were at 1,513,441 of which 549,593 were Title 42; and

**WHEREAS**, the El Paso sector of CBP had 13,229 land border encounters in the month of June, 2023; and

**WHEREAS**, thousands of migrants from Latin America gathered at or near the U.S.-Mexico border awaiting processing after Title 42, which is a COVID-19 era mechanism, ended along with the expiration of the Public Health Emergency for COVID-19; and

**WHEREAS**, prior to the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,900 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

**WHEREAS**, DHS has created an immigration benefit through which migrants from certain nations can request asylum and be paroled into the country; and

**WHEREAS**, upon the migrants' arrival into the United States, they are held by CBP who processes, sets for hearing and then releases migrants onto El Paso streets with little to no resources; and

**WHEREAS**, the number of migrants in need of shelter has exceeded the shelter space available through local, state, and federal partnerships; and

**WHEREAS**, the City lacks an extensive transportation infrastructure to facilitate the movement of migrants out of the region further increasing demand on shelters; and

**WHEREAS**, state and federal infrastructure and support is critical to support local efforts to effectively and safely care for mass groups of migrants entering the City; and

**WHEREAS**, U.S. Customs and Border Protection (CBP) has surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and

**WHEREAS**, the primary challenge for the non-governmental organizations (NGOs) assisting in the effort is that the NGOs do not have the volunteer base to sustain or increase current capacity at their current hospitality sites; and

**WHEREAS**, the Office of Emergency Management has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with migrant operations; and

**WHEREAS**, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

**WHEREAS**, the number of migrants released into the community has been as high as 1,700 in a single day; and

**WHEREAS**, the volume of migrants at the border and released into the United States has gained the attention of international and national media; 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 extremely high or freezing low temperatures and the inherent risks that come with increased demand on local shelters; and

**WHEREAS**, donations to the migrants from the public are best received at the assisting NGOs and shelters in lieu of delivery to spaces where migrants gather; and

**WHEREAS**, additional shelter space is being prepared for the thousands of migrants released into the community; and

**WHEREAS**, camping in public spaces is prohibited under Section 48.05 of the Texas Penal Code; and

**WHEREAS**, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

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

**WHEREAS**, in recent months, the El Paso International Airport became saturated with migrants awaiting air travel and shelter, and the City of El Paso may need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel can increase exponentially; 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 including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays; and

**WHEREAS**, the City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City; 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**, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31<sup>st</sup> day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

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

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

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.
2. That the state of disaster proclaimed for the City of El Paso by the Mayor on May 8, 2023 and extended by unanimous vote of City Council shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of 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 and pursuant to City Charter Section 3.10 and is effective upon adoption.

Assistant Fire Chief Jorge Rodriguez, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Annello and Salcido commented.

The following City staff members commented:

- Chief Mario D'Agostino, Deputy City Manger
- Ms. Laura Cruz-Acosta, Strategic Communications Director

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

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

NAYS: None

**Mayor Leeser consented to the adoption of the Emergency Ordinances.**

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3. **ITEM:** For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on June 20, 2023.

1. Discussion and action on the update to the City of El Paso Investment Policy.
  - a. Motion made by Representative Fierro, seconded by Representative Annello, and approved by Representative Kennedy, Representative Annello, Representative Fierro, and Representative Molinar to bring the full City of El Paso Investment Policy presentation to City Council.
2. Discussion and action on the City of El Paso Internal Auditor Charter.
  - a. Motion made by Representative Fierro, seconded by Representative Annello, and approved by Representative Kennedy, Representative Annello, Representative Fierro, and Representative Molinar to bring the final City of El Paso Internal Auditor Charter to City Council.
3. Discussion and action on FY 2022-2023 Audit Plan 3rd Quarter Updates.
  - a. Motion made by Representative Fierro, seconded by Representative Molinar, and approved by Representative Kennedy, Representative Annello, Representative Fierro, and Representative Molinar to accept the 3rd Quarter Update.
4. Discussion on Client Surveys.

Mr. Edmundo Calderon, Chief Internal Auditor, provided a briefing of the July 20, 2023 meeting and introduced Mr. Daryl Olson, Interim Internal Audit Manager.

**NO ACTION** was taken on this item.

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4. **ITEM:** Discussion and action on implementing an economic development strategy at El Paso International Airport to support the aerospace and defense industries through the establishment of a regional advanced manufacturing industry cluster to create more quality career opportunities for El Paso residents, diversify the tax base, and enhance the overall resilience of the local economy by adopting and implementing development tools that support, replicate, expand and sustain current efforts.

Ms. Elizabeth Triggs, Economic and International Development Director and Mr. Sam Rodriguez, Chief Operations Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Annello, Molinar, Salcido, and Rivera commented.

Ms. Cary Westin, Interim City Manager, commented.

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried to **DIRECT** the City Manager to finalize the ELP Development Policy

1. Updated policy that ensures ROI for City while also better meeting business growth needs.
2. Set up the ELP Development Corporation (ELPDC) to ensure growth is financially sustainable.

AYES: Representatives Kennedy, Annello, Molinar, Salcido, Fierro, Rivera, and Canales.

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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The meeting was **RECESSED** at 11:14 a.m. on August 14, 2023 for a short break and **RECONVENED** at 12:02 p.m. on August 14, 2023

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5. Presentation and submission of the No-New Revenue Tax Rate and Voter-Approval Tax Rate for the FY 2023 - 2024 taxes.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Cortinas mentioned that the No-New Revenue tax rate proposed is \$0.818875.

**NO ACTION** was taken on this item.

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6. Public Hearing on the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on July 14, 2023, which begins on September 1, 2023, and ends on August 31, 2024.

The public hearing was **OPENED** at 11:01 a.m., there was no public comment.

The public hearing was **CLOSED** at 11:01 a.m.

**NO ACTION** was taken on this item.

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7. Presentation, discussion, and action on the Proposed FY 2023 - 2024 Budget.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Cortinas' presentation included the following recommended adjustments to the FY2024 budget shown on Page 7 of the presentation:



	FY 2023 Budget	FY 2024 Proposed	FY 2024 Revised	Recommended Adjustment to Proposed
Facilities	\$1.00 million	\$1.50 million	\$6.00 million	\$4.50 million
Public Safety Capital	\$7.00 million	\$7.00 million	\$9.40 million	\$2.40 million
Citywide Vehicles	\$1.00 million	\$1.50 million	\$2.00 million	\$0.50 million
Streets Dept. Heavy Equipment		\$0	\$3.00 million	\$3.00 million
Compensation Increases (eff. Sept)		\$8.40 million	\$11.0 million	\$2.60 million
Climate & Sustainability Office	\$0.25 million	\$0.35 million	\$0.60 million	\$0.30 million
Municipal ID (placeholder)		\$0	\$0.20 million	\$0.20 million
Internal Audit (cyber audits)		\$0.10 million	\$0.20 million	\$0.10 million
<b>Total</b>	<b>\$9.25 million</b>	<b>\$18.65 million</b>	<b>\$32.40 million</b>	<b>\$13.60 million</b>

Mayor Leeser and Representatives Annelo and Salcido commented.

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Kennedy and unanimously carried to **APPROVE** the recommended adjustments.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

**8. Presentation, discussion, and action by the Financing of Election Campaigns Cross-Functional Team providing information on key activities, efforts, and processes.**

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

- Mr. Robert Cortinas, Chief Financial Officer
- Ms. Laura D. Prine, City Clerk
- Ms. Kristen Hamilton-Karam, Deputy City Attorney
- Mr. Carlos Olmedo, International Bridges Strategic Project Manager
- Mr. Adrian Martinez, Research and Management Assistant, City Clerk’s Office
- Ms. Karla Saenz, Assistant City Attorney

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

Ms. Karla Nieman, City Attorney, commented.

The following members of the public commented:

1. Ms. Angel Ulloa
2. Ms. Kathy Staudt
3. Ms. Veronica Carbajal
4. Mr. Josh Simmons

The following members of the public submitted written statements that were read into the record:

5. Mr. Xavier Miranda
6. Mr. Manuel Perez

- 7. Mr. Oscar Martinez
- 8. Mr. Alberto Mesta
- 9. Ms. Anne Giangiulio
- 10. Mr. Kenneth Bell
- 11. Ms. Kitty Spalding
- 12. Mr. Wesley Lawrence
- 13. Ms. Jeannette Nevarez
- 14. Ms. Ana Reza
- 15. Ms. Vanessa Medrano
- 16. Ms. Kim Schulte
- 17. Ms. Raquel Rojo
- 18. Ms. Vero Ann Carrillo
- 19. Ms. Carmen Rodriguez
- 20. Mr. Marc Salazar
- 21. Ms. Peggy Hinkle
- 22. Ms. Kathleen Kapenga

**1<sup>ST</sup> MOTION**

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:31 p.m. on August 14, 2023 pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071.

Section 551.071 CONSULTATION WITH ATTORNEY

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

**2<sup>ND</sup> MOTION**

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 5:28 p.m. on August 14, 2023 and **RECONVENE** the meeting of the City Council at which time a motion was made:

AYES: Representatives Kennedy, Annello, Molinar, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Salcido

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and unanimously carried that City Council **DIRECTS** the City Manager and City Attorney to return in eight weeks with updates regarding campaign contribution limits and provide proposals that will address concerns related to campaign contributions after elections occur.

AYES: Representatives Kennedy, Annello, Molinar, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Salcido

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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 2:31 p.m. on August 14, 2023 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 **EX2 through EX7** and Item **8 from the Regular Agenda**.

Section 551.071 CONSULTATION WITH ATTORNEY  
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 5:28 p.m. on August 14, 2023 and **RECONVENE** the meeting of the City Council at which time motions were made:

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

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The Work Session was **RECESSED** at 5:34 p.m. on **August 14, 2023**.

The Work Session was **RECONVENED** at 12:48 p.m. on **August 15, 2023** with Mayor Leeser and Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, Rivera, and Canales present. Representative Isabel Salcido was absent.

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**EX1. ITEM DISCUSSED ON AUGUST 15, 2023**

**In re: Aqueous Film-Forming Foam Products Multi-District Litigation MDL NO. 2873 (551.071)**

Mayor Leeser commented.

Ms. Karla Nieman, City Attorney, commented.

**1<sup>ST</sup> MOTION**

Motion made by Representative Fierro, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:49 p.m. on August 15, 2023 pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071 - 551.089.

Section 551.071 CONSULTATION WITH ATTORNEY

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

**2<sup>ND</sup> MOTION**

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 1:31 p.m. on August 15, 2023 and **RECONVENE** the meeting of the City Council at which time a motion was made:

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

ABSENT: Representative Salcido

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried that the City Attorney, in consultation with the City Manager, be **AUTHORIZED** to enter into the lawsuit styled In re: Aqueous Film-Forming Foam Products Multi-District Litigation MDL NO. 2873 and to hire and retain outside counsel, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

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**EX2. Claim of Martinez Bros Contractors, LLC. Matter No. 21-1044-1610 (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Fierro, and unanimously carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to participate in a mediation regarding the claim of *Martinez Bros. Contractors, LLC*, under Contract No. 2021-0260, in Matter No. 21-1044-1610, 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, Annello, Molinar, Fierro, Rivera, and Canales  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representatives Hernandez and Salcido

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**EX3. Max Grossman v. City of El Paso; Texas Supreme Court, Case No. 21-1105. Matter No. 17-1001-171.001 (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and unanimously carried that the City Attorney is **AUTHORIZED** to accept the proposed Rule 11 agreement in the matter of *Max Grossman v. City of El Paso*, in Matter Number 17-1001-171.001, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority and directing the City Manager, after the lawsuit is dismissed, to reopen the portion of Chihuahua Street currently closed, to include re-powering street lights, and other required work to enable its use as a public right-of-way.

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

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**EX4. Villegas, Daniel vs. City of El Paso and Police Officers, 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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**EX5. Application of El Paso Electric Company to Reconcile Fuel Costs; HQ#UTILITY-15 (551.071)**

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Fierro, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to approve a settlement in-part, excluding items related to the costs associated with the Western Energy Imbalance Market, in *Application of El Paso Electric Company to Reconcile Fuel Costs*, under the Texas Public Utility Commission, Docket No. 54142, in Matter Number UTILITY-15, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

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**EX6. Discussion on potential economic development opportunities through an incentive agreement HQ#23-1148 (551.087)**

**NO ACTION** was taken on this item.

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**EX7. Discussion on potential economic development opportunities in Northwest El Paso HQ#23-1055 (551.087)**

**NO ACTION** was taken on this item.

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**ADJOURN**

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the meeting at **1:32 p.m.** on **August 15, 2023**

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

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APPROVED AS TO CONTENT:

  
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Laura D. Prine, City Clerk